

By Mr. BURKETT: Petition of W. W. Calkins and other citizens of Ashland, Nebr., in opposition to the manufacture and sale of oleomargarine—to the Committee on Agriculture.

By Mr. BURTON: Petition of the School of Pharmacy, Cleveland, Ohio, for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. DEVRIES: Petitions of the Methodist Episcopal Church, Congregational Church, Christian Church, and Christian Endeavor, Epworth League, and Woman's Christian Temperance Union, of Oroville, Cal., and Methodist Episcopal Church of Linden, Cal., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, post exchanges, etc.—to the Committee on Military Affairs.

By Mr. DRISCOLL: Petition of the New York State Farmers' Alliance and Industrial Union, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, petition of Charles G. McIlwain and other druggists of Syracuse, N. Y., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. FITZGERALD of Massachusetts: Petition of Sister Louise, for an appropriation to build and equip an addition to Providence Hospital to be used for persons unable to pay—to the Committee on Appropriations.

By Mr. HAMILTON: Petition of Fitzgerald Post, No. 125, of Hastings, Mich., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HILL: Petitions of J. A. Riggs and others, of Norwalk, Conn., and John F. Cannon, of Westport, Conn., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. LANHAM: Petition of citizens of Hood County, Tex., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. LAWRENCE: Petitions of the Baptist Church of West Springfield, Mass., and 246 citizens of Holyoke, Mass., asking for the passage of the anti-canteen bill, prohibiting the sale of liquors on premises used for military purposes—to the Committee on Military Affairs.

Also, petition of citizens of Holyoke, Mass., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. LENTZ: Paper to accompany House bill No. 11389, granting an honorable discharge to James A. Smith—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 11387, to correct the military record of Isaac I. Kennard—to the Committee on Military Affairs.

Also, paper to accompany House bill No. 9417, granting a pension to Anna L. Collins—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10122, granting an increase of pension to Jeremiah Vankirk—to the Committee on Pensions.

By Mr. NEEDHAM: Petition of the San Antonio Fruit Exchange, Pomona, Cal., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. NEVILLE: Affidavits of C. F. Englehaupt, H. R. Henry, T. V. Norvell, and J. P. Gilligan to accompany House bill No. 11560, granting a pension to Ralph D. Parsons—to the Committee on Invalid Pensions.

By Mr. PACKER of Pennsylvania: Petitions of the Woman's Christian Temperance unions of Ulysses and Covington, Pa., and Patriotic Order of the Sons of America of Covington, urging the enactment of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. SIBLEY: Petitions of the Woman's Christian Temperance Union, First Baptist Church, Methodist Episcopal Church, First Presbyterian Church, Free Methodist Church, and African Methodist Episcopal Church, of Bradford, Pa., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. WM. ALDEN SMITH: Petition of D. W. Elferdink, of Grand Rapids, Mich., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. THROPP: Petitions of Pleasant Valley Methodist Episcopal Church, of Allegheny, Pa.; Methodist Episcopal Church of Somerset, Pa.; United Presbyterian Church, Main Street Baptist Church, and First Baptist Church, of Johnstown, Pa., urging the passage of the Bowersock bill preventing the sale of liquor upon premises used for military purposes—to the Committee on Military Affairs.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill to remove the charge of desertion from the record of William Ridge—to the Committee on Military Affairs.

SENATE.

SATURDAY, May 26, 1900.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. WOLCOTT. I ask that the further reading of the Journal be dispensed with.

Mr. ALLEN. I object.

The PRESIDENT pro tempore. Objection is made.

The Secretary resumed and concluded the reading of the Journal; and it was approved.

AFFAIRS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 21st ultimo, a report on affairs in the Philippine Islands, so far as it pertains to Porto Rico, from Brig. Gen. George W. Davis, military governor, etc.; which, with the accompanying paper, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

INDUSTRIAL COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following communication; which was read:

BUTTE CITY, MONT., May 20, 1900.

DEAR SIR: I find that the condition of my private business affairs will not permit my attendance at the meetings of the commission for some months to come, and I therefore deem it proper to tender my resignation, which I now do.

Sincerely, yours,

LEE MANTLE.

Hon. JAMES H. KYLE,

Chairman Industrial Commission, Washington, D. C.

The PRESIDENT pro tempore. In the absence of objection, the resignation will be accepted. The Chair appoints in the place of Mr. Mantle the junior Senator from California, THOMAS R. BARD.

POST-OFFICE APPROPRIATION BILL.

Mr. WOLCOTT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13 and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 17, 18, and 19; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "For printing and binding a revised edition of the Postal Laws and Regulations, such edition to be prepared under the direction of the Postmaster-General and printed at the Government Printing Office; and the Postmaster-General may authorize the sale of copies of such edition not needed for the use of the Department to individuals at the cost thereof and 10 per cent added, the proceeds of such sales to be deposited in the Treasury as part of the postal revenues, \$30,000, or so much thereof as may be necessary, to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Page 18, line 2, insert after the word "of," following the word "utility," the words "all systems of;" also strike out the word "mail" in line 2. Same page, line 3, insert after the word "tubes" the words "for the transmission of mail;" also, same line, insert after the word "maps" the following: "and any estimates and proposals as to cost of construction." Same page, lines 7 and 8, strike out the words "ten thousand dollars;" and in line 9, after the word "patents," add the words "ten thousand dollars;" so as to read:

"For the investigation by the Postmaster-General of the cost of construction, operation, and utility of all systems of pneumatic tubes for the transmission of mail, including full details and maps, and any estimates and proposals as to cost of construction, as well as the cost of stations and their operation, and all facts bearing upon the use of said tubes in connection with the mail service, to enable Congress to determine whether the service should be owned, leased, extended, or discontinued by the Government; also the cost at which the Government may acquire existing plants or necessary patents, \$10,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Page 25, line 24, strike out all after the word "criminals;" and on page 26 strike out all of lines 1, 2, 3, 4, 5, 6, and 7; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Add at the end of said amendment (page 28) the following: "of which 800 copies shall be for the use of the House of Representatives and 200 copies for the use of the Senate, and the necessary amount therefor is hereby appropriated;" and the Senate agree to the same.

On amendment numbered 15 the committee of conference have been unable to agree.

EDWARD O. WOLCOTT,

WILLIAM E. CHANDLER,

Managers on the part of the Senate.

E. F. LOUD,

J. J. GARDNER,

Managers on the part of the House.

Mr. WOLCOTT. I ask for the adoption of the report.

The report was agreed to.

Mr. WOLCOTT. I move that the Senate still further insist on

its amendment No. 15, which is the amendment relating to the appropriation of \$225,000 for pneumatic-tube service.

The motion was agreed to.

Mr. WOLCOTT. I desire to state that the amendment was stricken out in conference making the appropriation to cover the losses by the Cuban frauds because it had no place in the Post-Office appropriation bill, and by the direction of the Committee on Post-Offices and Post-Roads I report out of order, but in connection with this conference report, the amendment for reference to the Committee on Appropriations as an amendment to the deficiency appropriation bill.

The PRESIDENT pro tempore. The amendment will be printed and referred to the Committee on Appropriations.

Mr. HALE. I suggest that it be sent to the committee without printing, because the committee is considering the bill to-day.

The PRESIDENT pro tempore. It will be referred to the committee without printing.

CREDENTIALS.

Mr. JONES of Arkansas presented the credentials of Joseph C. S. Blackburn, chosen by the legislature of the State of Kentucky a Senator from that State for the term commencing March 4, 1901; which were read, and ordered to be placed on file.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 2537) to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein;

A bill (H. R. 3267) granting an increase of pension to Jacob W. Mooar;

A bill (H. R. 5886) granting a pension to William H. Lane;

A bill (H. R. 7418) granting an increase of pension to George Garrett; and

A bill (H. R. 8559) granting an increase of pension to Margaret R. Clune.

The message also announced that the House had passed a bill (H. R. 11816) requiring the disbursing clerk of the Census Office to file an additional bond, and for other purposes; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. BURROWS presented a memorial of General O. M. Poe Post, No. 433, Department of Michigan, remonstrating against the enactment of legislation providing for the removal of the disabilities of all deserters from the military service of the United States during the war of the rebellion; which was referred to the Committee on Military Affairs.

He also presented a petition of Cascade Grange, No. 63, Patrons of Husbandry, of Ada, Mich., praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented the petition of Will H. Hanchett and 30 other citizens of Holloway, Mich., praying for the enactment of legislation placing a tax upon oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. SEWELL presented a petition of the Womans' Christian Temperance Union of Aron, N. J., and a petition of sundry citizens of Millburn, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. COCKRELL presented a petition of the Live Stock Exchange of Kansas City, Mo., praying for the enactment of legislation extending the time limit on live stock in transit; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Industrial Council, American Federation of Labor, of Kansas City, Mo., praying for the enactment of legislation limiting the powers of United States judges in issuing injunctions, and also for their election by a direct vote of the people; which was referred to the Committee on the Judiciary.

He also presented a memorial of Deer Lake Lodge, No. 17, International Association of Machinists, of Springfield, Mo., remonstrating against the passage of the so-called Loud bill relating to second-class mail matter, against appropriations for sectarian schools, and the cession of the public domain to States and Territories, and the so-called desert-land bill, etc., and praying for the enactment of legislation providing for the laying and operating of cables by the Government, and also that the appropriation for the Geological Survey for irrigation surveys be increased to \$25,000, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a memorial of the National Legislative Conference, composed of delegates of the State medical societies of the United States, remonstrating against the passage of Senate bill No. 34, for the further prevention of cruelty to animals in the

District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PENROSE presented the memorial of Robert Holmes, of Reading, Pa., remonstrating against the enactment of legislation to permit the Mutual Life Insurance Company, of New York, to do business in the German Empire; which was referred to the Committee on Commerce.

He also presented a petition of the congregation of the Calvary Church, of Conshohocken, Pa., praying for the enactment of legislation to encourage the organization of industrial schools for the benefit of the freedmen of the South; which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the Reformed Presbyterian Church of Tarentum, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in our new island possessions; which was ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union, the Presbyterian Church, the Methodist Episcopal Church, the Christian Endeavor Society, and the Epworth League, all of Tidioute; the Methodist Episcopal Church, of Pardoe; of 150 citizens of Waterloo; the Woman's Christian Temperance Union, the First Baptist Church, the First Universal Church, and the Methodist Episcopal Church, all of Westfield; the Woman's Christian Temperance Union of Russellville; John A. Hunter Post, No. 123, Grand Army of the Republic, of Leesburg; the First Baptist Church, the Christian Church, the First United Presbyterian Church, and the Lutheran Church, all of Indiana; the Presbyterian Church of West Alexander; the Woman's Christian Temperance Union of Lake Como; the United Presbyterian Church of West Alexander; of 40 citizens of Monongahela; of 76 citizens of East Stroudsburg, and of the North Liberty Church, of North Liberty, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

GOVERNMENT OWNERSHIP OF RAILROADS.

Mr. PETTIGREW. I present an open letter to J. Pierpont Morgan, of New York City, relative to the Government ownership of railroads. I move that the letter be printed as a document and referred to the Committee on Interstate Commerce.

The motion was agreed to.

COTTON TRADE AND ISTHMIAN CANAL.

Mr. MORGAN. I present a report made by a committee of certain commercial bodies in New Orleans on "The Cotton Trade of the United States and an Isthmian Canal," and submitted to the subcommittee of the Walker commission in that city, which I move be printed and referred to the Committee on Interoceanic Canals.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4788) granting an increase of pension to George P. Beach, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 156) granting a pension to Lena E. Patterson, reported it with an amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 4241) granting an increase of pension to Melissa Rush, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 9749) granting a pension to Melissa A. Trulock, reported it with an amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 3432) for the relief of Samuel Showalter, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. McBRIDE, from the Committee on Coast Defenses, to whom was referred the amendment submitted by Mr. CHANDLER on the 17th instant, proposing to appropriate \$50,000 for acquiring, by purchase or condemnation, the land in the square surrounding Fort Constitution at Newcastle, N. H., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the amendment submitted by Mr. CLARK on the 25th instant, proposing to appropriate \$304.51 to pay Augustus L. Coleman, of Wyoming, for surveys of public lands, etc., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. KYLE, from the Committee on Pensions, to whom was

referred the bill (H. R. 2908) granting a pension to Frances A. Jones, reported it without amendment, and submitted a report thereon.

CUBAN INVESTIGATION.

Mr. GALLINGER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Georgia [Mr. BACON] on the 11th instant, and which was amended in the Senate by the insertion of an additional paragraph, to report it back favorably as amended, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Resolved by the Senate, That the Committee on Relations with Cuba is hereby directed to investigate and report to the Senate as early as practicable regarding the moneys received and expended in the island of Cuba, by, through, and under the officials and representatives of the United States, both civil and military, from the date of the occupation of Cuba by the military forces of the United States until and including the 30th day of April, 1900.

Said committee shall investigate and report as to receipts, as follows: From customs, from postal service, from internal revenue, from all other sources, specifying the details as far as practicable, and particularly the places where and dates within which said amounts were collected or received, and the officer or officers collecting and receiving the same, as well as the law or authority under which said amounts were in each instance so collected or received.

Said committee shall investigate and report as to the expenditures of the said amounts so received, the necessity and propriety thereof, specifying in classes and in detail so far as practicable said expenditures, and particularly the work, services, or property for which said expenditures were made, and the value thereof; also the law or authority under which each of said expenditures was made, the officer, civil or military, by whom said expenditure was authorized, and the officer, civil or military, by whom said expenditure was made, and the particular fund from which the money was taken for said expenditure.

Said committee shall also report a statement of all public works of every kind, including buildings, wharves, railroads, and all other structures built or constructed, improved, repaired, or decorated by or under the authority of any such officer, civil or military; and in each instance the cost, value, necessity, and propriety of the same, and the uses to which said buildings or structures have been put. Where said buildings and works were constructed or improvements were made by contract, or where the material used in the same was furnished by contract, the committee shall report copies of each of said contracts and the names of all parties interested in each of the same.

Said committee shall also report a statement of the personal property which was purchased or procured and intrusted to any officer, civil or military, in Cuba within said time, the cost and value of the same, and the uses to which said property has been put, and the disposition which has been made thereof.

Said committee is authorized to conduct said investigation, and make such report by subcommittee or committees appointed by the chairman; and the committee, or any subcommittee thereof, is authorized to sit during the recess of Congress at such place or places in the United States or Cuba as may be necessary; and is empowered to send for persons and papers, issue subpoenas, administer oaths, examine witnesses, employ stenographers, expert accountants, and other necessary assistance, and the expenses of said investigation shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. COCKRELL. Is not that substantially the resolution as introduced by the Senator from Georgia?

Mr. GALLINGER. With the amendment which was moved by the Senator from Connecticut [Mr. PLATT] and agreed upon in the Senate, I ask that the amendment be read.

The SECRETARY. On page 3, after line 6, insert as a separate paragraph the following:

Said committee is authorized to conduct said investigation and make such report by subcommittee or committees appointed by the chairman; and the committee, or any subcommittee thereof, is authorized to sit during the recess of Congress at such place or places in the United States or Cuba as may be necessary; and is empowered to send for persons and papers, issue subpoenas, administer oaths, examine witnesses, employ stenographers, expert accountants, and other necessary assistance, and the expenses of said investigation shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. GALLINGER. I will say to the Senator from Missouri that the resolution is in the precise terms in which it was introduced, with the exception of this amendment, which was agreed to by the Senate, and is reported back as a part of the resolution.

The resolution was agreed to.

MARY LA TOURRETTE STOTSENBERG.

Mr. ALLEN. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 4367) granting an increase of pension to Mary L. Stotsenburg, to report it with an amendment, and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the committee was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary La Tourrette Stotsenburg, widow of the late Col. John Stotsenburg, of the First Nebraska Volunteer Infantry, in the year 1898, and pay her a pension of \$50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary La Tourrette Stotsenburg."

Mr. ALLEN. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. SHOUP, Mr. ALLEN, and Mr. QUARLES were appointed.

THOMAS DIXON AND OTHERS.

Mr. McCOMAS, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 2402) for the relief of Thomas Dixon;

A bill (S. 2640) for the relief of the heirs of Gottlieb C. Grammer, deceased;

A bill (S. 2945) for the relief of the city of Philadelphia;

A bill (S. 3086) for the relief of G. Finley Smith, administrator of David Smith, deceased;

A bill (S. 4709) for the relief of Lorenzo Thomas, jr., and Henry C. Thomas;

A bill (S. 4711) for the relief of Catherine Winters; and

A bill (S. 4825) for the relief of Anna M. Anderson and Charles L. G. Anderson, executors of George W. Anderson, deceased—reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims represented by the following bills to wit, S. 2402, 2640, 2945, 3086, 4709, 4711, and 4825, for the relief of Thomas Dixon; for the relief of Gottlieb C. Grammer; for the relief of the city of Philadelphia; for the relief of G. Finley Smith, administrator of David Smith; for the relief of Lorenzo Thomas, jr., and Henry C. Thomas; for the relief of Catherine Winters, and for the relief of Anna M. Anderson and Charles L. D. Anderson, executors of George W. Anderson, deceased, now pending in the Senate of the United States, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887.

And the said Court of Claims shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 4851) for the relief of the legal representatives of Milton S. Shirk, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 4852) to authorize the Kingston Bridge and Terminal Railway Company to construct a bridge across the Clinch River at Kingston, Tenn.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. LODGE introduced a bill (S. 4853) for relief of Jacob B. Phillips; which was read twice by its title, and referred to the Committee on Claims.

Mr. BAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4854) granting an increase of pension to Henry E. Rontzong;

A bill (S. 4855) granting an increase of pension to Orren D. Lemert;

A bill (S. 4856) granting an increase of pension to William F. Cloud; and

A bill (S. 4857) granting an increase of pension to George W. Russell (with an accompanying paper).

Mr. MARTIN introduced a bill (S. 4858) for the relief of Thomas Huntington; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 4859) granting an increase of pension to Emily A. Wentworth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 4860) for the relief of Horace Resley; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4861) granting a pension to Mary L. Tweddle; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4862) granting a pension to Martha E. Horn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SULLIVAN introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 4863) for the relief of the estate of James Irwin, deceased;

A bill (S. 4864) for the relief of the legal representatives of W. E. Hoy, deceased; and

A bill (S. 4865) for the relief of the legal representatives of S. W. Lancaster, deceased.

Mr. FORAKER introduced a bill (S. 4866) for the relief of the legal representatives of John H. Jones and Thomas D. Harris; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 4867) granting an increase

of pension to Mary Alwood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 4868) for the relief of the estate of David M. Whitney, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HAWLEY introduced a bill (S. 4869) providing for the retirement of certain officers of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SCOTT introduced a bill (S. 4870) for the relief of the heirs of John Beam, Hanson W. Phillips, and Clark Haines; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. PETTUS submitted an amendment proposing to appropriate \$450 in full satisfaction of the claim of George Travis, as found due by the Commissioner of Claims, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate \$5,565 to refund to Messrs. Rodonachi, Sons & Co. additional duties levied on 449 bales of wool, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

GEORGE M'GUIRE.

Mr. COCKRELL. On May 22 last the bill (S. 1014) for the relief of George McGuire was reported adversely and indefinitely postponed. I ask that leave be given to Mr. McGuire to withdraw the papers by leaving copies. That can be done, I believe, under the rule.

The PRESIDENT pro tempore. The Senator from Missouri asks that leave to withdraw the papers in the case named by him be granted under the rule. Is there objection? The Chair hears none, and it is so ordered.

CEUR D'ALENE MINING TROUBLES.

Mr. ALLEN submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 copies of the testimony and arguments of counsel of the investigation made by the Committee on Military Affairs of the House of Representatives as to the conduct of the United States Army in Idaho, under House resolution No. 31, Fifty-sixth Congress, first session, of which 10,000 copies shall be for the use of the Senate and 20,000 copies for the use of the House of Representatives.

AFFAIRS IN THE PHILIPPINES.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 3,000 copies of Parts I and II, Document No. 62, third session Fifty-fifth Congress.

Mr. McMILLAN. Is morning business closed, Mr. President? The PRESIDENT pro tempore. The morning business is not yet completed.

WASHINGTON TELEPHONE COMPANY.

Mr. JONES of Arkansas. I submit a resolution, which I ask may lie over for a day.

The resolution was read, and ordered to lie over, as follows:

Resolved, That the Committee on the District of Columbia be discharged from the consideration of H. R. 9047, "An act to incorporate the Washington Telephone Company and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia," and that the same be placed on the Calendar.

FINDINGS OF COURT OF INQUIRY ON ARMY SUPPLIES.

Mr. HAWLEY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed 6,000 additional copies of the findings of the court of inquiry, pursuant to the President's instructions of February 20, 1899, together with the final report of said court of inquiry and the action taken thereon; of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

Mr. HAWLEY. I ask for the present consideration of a bill—
The PRESIDENT pro tempore. The morning business is not yet completed, and the Chair asks the Senator to withhold the request for the present.

Mr. HAWLEY. Very well.

READJUSTED SALARIES OF POSTMASTERS IN MISSISSIPPI.

Mr. MONEY submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule to the Senate the readjusted salaries of all postmasters who served in the State of Mississippi between July 1, 1864, and July 1, 1874, whose names as claimants appear in the Court of Claims in the case entitled Albert Howard and others vs. The United States, No. 18239; each such stated account to conform in all respects to the order of the Postmaster-General published by circular under date of June 9, 1883, and to the requirement of the act of March 3, 1883, as said requirement was published by the Postmaster-General in the newspapers of the country under date of February 17, 1884, and with such report transmit to the Senate a full copy of the text of the construction by the Postmaster-General of the act of March 3, 1883, embodied in the said circular and publication in the newspapers, and in

circular form No. 1223, the text of each of which, under date of November 8, 1897, was transmitted by the Postmaster-General to the Attorney-General for use in the case of Jane Yarrington and others vs. The United States, No. 16345.

HOUSE BILL REFERRED.

The bill (H. R. 11816) requiring the disbursing clerk of the Census Office to file an additional bond, and for other purposes, was read twice by its title, and referred to the Committee on the Census.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 24th instant approved and signed the following acts:

An act (S. 3075) granting an increase of pension to Marie J. Blaisdell; and

An act (S. 4129) to detach the county of Dyer from the eastern division of the western district of Tennessee and to attach the same to the western division of the western district of said State of Tennessee.

The message also announced that the President of the United States had on the 25th instant approved and signed the following acts:

An act (S. 6) for the relief of James H. Latham; and

An act (S. 3473) for the relief of Corinne Strickland.

The message further announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 124) regulating permits for private conduits in the District of Columbia;

An act (S. 1243) for the relief of the owner or owners of the schooner *Bergen*;

An act (S. 4048) to amend an act regulating the inspection of flour in the District of Columbia, approved December 21, 1898; and

An act (S. 4560) to provide for officers in the customs district of Hawaii

CASUALTIES AMONG THE FILIPINOS.

The PRESIDENT pro tempore. If there be no further concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution yesterday submitted by Mr. PETTIGREW, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate of the number of the people of the Philippine Islands that have been killed by our armed forces since February 5, 1898; also the number wounded by us, and the number of prisoners taken.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

QUARANTINE REGULATIONS.

Mr. VEST. I ask for the consideration at this time of a bill which was read the other day and which was stopped upon the objection of the Senator from South Carolina [Mr. TILLMAN].

The PRESIDENT pro tempore. The Senator from Missouri asks for the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 4171) to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893.

The PRESIDENT pro tempore. This bill was read in full a day or two since and objection was made, which objection is withdrawn, as the Chair is informed.

Mr. TILLMAN. I wish to offer a slight amendment, to which the Senator from Missouri does not object, as I understand.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on Public Health and National Quarantine with amendments.

The first amendment was, on page 1, line 6, after the word "amended," to strike out "and added to as follows" and insert "by addition of the following sections;" so as to read:

That an act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service, approved February 15, 1893, be amended by addition of the following sections.

The amendment was agreed to.

The next amendment was, beginning in line 8 on page 1, to strike out:

That section 6 of said act shall be amended to read as follows:

"SEC. 6. That on the arrival of an infected vessel at any port not provided with the proper facilities for treatment of the same the Secretary may remand said vessel, at its own expense, to the nearest national or other quarantine station where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infected vessel, or inspection of any vessel not infected, at a national quarantine station, and after certificate shall have been given by the United States quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious disease or danger of conveying the same, said vessel shall be permitted to enter and admitted to entry at any port of the United States named within the certificate. But at any ports where sufficient quarantine provision has been made by State or local authorities the Secretary of the Treasury may direct vessels bound for said ports to undergo quarantine at said State or local station." That there shall be added the following sections.

Mr. VEST. That amendment strikes out the whole of section 6 of the law.

The amendment was agreed to.

The next amendment was, on page 2, line 18, after the word "That," to strike out "national quarantine stations shall be conducted in accordance with the provisions of this act, and;" so as to make the section read:

SEC. 10. That the Supervising Surgeon-General, with the approval of the Secretary of the Treasury, is authorized to designate and mark the boundaries of the quarantine grounds and quarantine anchorages for vessels which are reserved for use at each United States quarantine station; and any vessel or officer of any vessel or other person trespassing or otherwise entering upon such grounds or anchorages in disregard of the quarantine rules and regulations, or without permission of the officer in charge of such station, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than \$300 or imprisonment for not more than one year, or both, in the discretion of the court. Any master or owner of any vessel, or any person violating any provision of this act or any rule or regulation made in accordance with this act relating to inspection of vessels or relating to the prevention of the introduction of contagious or infectious diseases, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of said vessel or its contents or as to the health of any passenger or person thereon, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than \$500 or imprisonment for not more than one year, or both, in the discretion of the court.

The amendment was agreed to.

The next amendment was, on page 3, line 20, after the word "That," to strike out:

At any port or place in the United States where the Secretary of the Treasury shall deem it necessary for the prevention of the introduction of contagious or infectious disease from a foreign port or place that incoming vessels, vehicles, or persons shall be inspected by a national quarantine officer, such officer shall be designated or appointed by the Secretary of the Treasury, on recommendation of the Surgeon-General of the Marine-Hospital Service and at any such port or place no vessel, vehicle, or person from any foreign port or place shall be admitted to entry or enter without a certificate of said officer that the United States quarantine regulations have been complied with. Any.

And to insert "any," so as to make the section read:

SEC. 11. That any vessel sailing from any foreign port without the bill of health required by section 2 of this act, and arriving within the limits of any collection district of the United States, and not entering or attempting to enter any port of the United States, shall be subject to such quarantine measures as shall be prescribed by regulations of the Secretary of the Treasury, and the cost of such measures shall be a lien on said vessel, to be recovered by proceedings in the proper district court of the United States and in the manner set forth above as regards vessels from foreign ports without bills of health and entering any port of the United States.

The amendment was agreed to.

Mr. TILLMAN. I move, in line 25, page 2, after the word "person," to insert "other than State health or quarantine officers."

Mr. VEST. I suggest to the Senator that he put in the word "municipal," so as to cover city officers. They are not State officers, but at the same time they are health officers, such as they have at cities like Mobile.

Mr. TILLMAN. "Municipal or State?"

Mr. VEST. "Municipal or State quarantine officers."

Mr. TILLMAN. All right. I will modify the amendment in that way.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The SECRETARY. On page 2, line 25, after the word "person," it is proposed to insert "other than State, municipal, health, or quarantine officers."

Mr. GALLINGER. Mr. President, before that amendment is adopted, I want to know something about the amendments which have already been offered, and, I believe, while my attention was diverted, have been adopted.

This bill was before the Committee of Public Health and National Quarantine. We had before that committee the health officers of Boston, New York, Charleston, New Orleans, and various other great cities of the country, and there was a substantial agreement that the bill should be reported as it was presented to the Senate by the Senator from Missouri [Mr. VEST]; but the Senator from South Carolina [Mr. TILLMAN] seems to have taken charge of the bill now, and I confess I do not know what amendments have been incorporated at his suggestion.

Mr. TILLMAN. If the Senator will permit me, I have not taken charge of the bill at all. I objected to its consideration the other day because I had not even read it; but after reading it and conferring with the Senator from Missouri I discovered that there was nothing in it that I objected to other than the provision, which the Senator will find if he will read section 10, which gives to the Supervising Surgeon-General sweeping authority to locate quarantine grounds, and makes it a misdemeanor for anybody to go upon those grounds or to trespass there, subject to a penalty of imprisonment, or something of that sort. I want the bill amended so that the municipal and State quarantine health officers may go there in the discharge of their duties—nothing more, and nothing less.

The PRESIDENT pro tempore. The Chair will state to the Senator from New Hampshire [Mr. GALLINGER] that the only amendments agreed to have been those reported by the committee.

Mr. VEST. Those are all amendments which were agreed upon by the committee.

Mr. GALLINGER. Mr. President, I understood that other amendments had been agreed to. If the Senator from Missouri will briefly explain the purport of the proposed amendments, I apprehend that I shall have no objection to them, and yet I was quite unwilling that this bill should be very materially amended without knowing precisely what was proposed.

Mr. VEST. The amendments simply strike out the features that were objected to by the health officers of the States. The head of the Marine-Hospital Service has no objection to the bill as it is now amended. It simply gives to the quarantine officers of the United States jurisdiction over their quarantine districts, which of course ought to be done, and was done by a resolution of Congress which several years ago passed both Houses unanimously, but failed because President Cleveland did not have time to sign the resolution. In addition to that, the only other material amendment is to allow the quarantine officers of the United States to administer oaths, a power which they ought always to have had.

Mr. GALLINGER. Mr. President, I quite agree to those amendments; but will the Senator from Missouri or the Senator from South Carolina briefly state precisely what the amendments propose to do?

Mr. TILLMAN. I will read the provision, and then the Senator can gather it for himself:

That the Supervising Surgeon-General, with the approval of the Secretary of the Treasury, is authorized to designate and mark the boundaries of the quarantine grounds and quarantine anchorages for vessels which are reserved for use at each United States quarantine station.

I simply put in a proviso to the committee amendment, so as to make it read:

Any vessel or officer of any vessel or other person, other than State and municipal health or quarantine officers, etc.

So as not to make it a misdemeanor for a municipal or State health quarantine officer to visit the quarantine stations in discharge of his duties. That is all.

Mr. DEPEW. Mr. President, I think I can explain to the Senator from New Hampshire just where the difference comes in between the bill as reported from the committee and the amendment offered by the Senator from South Carolina.

The matter was very thoroughly discussed in the committee. The difference is just this: This particular part of the bill provides for the regulation of national quarantine grounds which are absolutely under the control of United States officers. The bill provides that those grounds shall be under the control of these officers and that no person shall be permitted to visit them or trespass upon them without the permission of the United States officers in control. It was proposed in the committee that municipal officers and State officers should have this permission, but the committee unanimously came to the conclusion that no United States officer would refuse to a properly accredited health officer of a State or municipality the right to visit such quarantine grounds, but that infection was so dangerous and the necessity for the control was so necessary in the hands of the officer immediately responsible that a discretion should be left with him, and that it should not be in the power of health officers of a municipality to send anybody there they pleased, with the right to leave and possibly carry infection into the city from which they came.

The only difference between the committee and the Senator from South Carolina is that the committee leaves the discretion as to who shall come within the infected district under the control of the United States authorities and entirely in the hands of the officer in charge. The Senator from South Carolina proposes that State and municipal health officers shall be permitted to go upon the quarantine grounds whether the national officers wish them to go there or not.

Mr. MALLORY. Mr. President, I hope there will not be any contest over this proposition of the Senator from South Carolina [Mr. TILLMAN]. As the Senator from New York [Mr. DEPEW] has just said, the matter was considered by the committee, and after some deliberation the committee came to the conclusion that there could not be much risk of a conflict between national and State officers, but there was no decided opposition to the proposition which was made at that time by the Senator from Wisconsin [Mr. SPOONER], who is not now present.

The passage of these amended sections is a matter of considerable importance. It is of great importance because at the present time the national quarantine officers have no authority to fix the boundaries or limits of the quarantine stations, a power which they ought to have and which is absolutely necessary for the protection of the health of the cities and ports that are near the quarantine stations. They also have not the power to administer oaths. Those two things are about the principal purposes that are sought now by the bill in its present shape. If there is to be any contest, the probabilities are that the bill will not be passed. I do not think that the committee were particularly opposed to the proposition which is now made by the Senator from South

Carolina. I hope, in the interest of the bill itself, there will be no opposition to it.

Mr. GALLINGER. Mr. President, I have a single observation to make. It is unfortunate that we have this constant conflict between Federal and State and municipal officers. It is unfortunate that we can not agree to give a pretty broad discretion to the man who stands as the representative of the Government in administering health matters and protecting our people from the introduction of contagious or infectious diseases into the United States.

In many of the ports we have a national quarantine station where vessels go and are inspected and disinfected without cost to the vessels, and then they are compelled to go to a State quarantine station to be inspected and disinfected and a large fee charged for that work. That, I suppose, we can not get rid of. I think it ought to be gotten rid of in some way, but I apprehend it is impracticable and perhaps impossible to do so.

In this little bill we simply propose to give to the Supervising Surgeon-General of the Marine-Hospital Service jurisdiction over quarantine grounds, which it is admitted the United States has jurisdiction over; and it seems to be contended that we ought to permit the health officers of States and cities to send their agents upon those grounds, that are under the jurisdiction of the Supervising Surgeon-General of the Marine-Hospital Service, at their will and at their pleasure.

I am inclined to think the amendment is not a wise one, but I shall content myself by voting "no" when the matter is submitted to the Senate. If the Senate chooses to incorporate it in this bill, I shall be content.

Mr. HALE. I rise to a question of order.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. HALE. What was the order of the Senate with reference to business to-day after the completion of the morning business?

The PRESIDENT pro tempore. That bills reported by the Committee on the District of Columbia should be given consideration.

Mr. HALE. I ask that that order be executed.

Mr. VEST. I hope the Senator will permit the pending bill to be finished. It will only take a second.

Mr. HALE. If it will not lead to any further debate, I shall not object.

Mr. VEST. I hope it will take no further debate.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from South Carolina [Mr. TILLMAN], which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. McMILLAN. Under the unanimous-consent agreement, I now call for the consideration of Order of Business 1360.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read by its title the bill (H. R. 7950) for the extension of Columbia road east of Thirteenth street, and for other purposes.

Mr. ALLEN. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. ALLEN. I desire to read the unanimous-consent agreement which was made to take up certain bills at this time, with the exception that they were not to interfere with appropriation bills. An appropriation bill is now before the Senate under consideration, to which I was addressing myself last night, and I retained the floor by agreement. I shall therefore insist upon occupying the floor on that bill this morning in view of the fact that the unanimous consent for the consideration of these District bills was subject to the consideration of appropriation bills. I will now read the unanimous-consent agreement.

Mr. ALLISON. I understand that the statement of the Senator from Nebraska is correct, that the consideration of these local District bills is subordinate to the appropriation bills; but as I shall be otherwise occupied for an hour or two, I have agreed to yield to the Senator from Michigan to go on with these bills.

Mr. COCKRELL. Unanimous consent was given for that.

Mr. ALLISON. It was given.

Mr. COCKRELL. Then the Senator has that right.

Mr. ALLISON. It was subject to appropriation bills.

Mr. COCKRELL. Oh, yes.

Mr. ALLISON. Of course I need not call up the appropriation bill at the present time. I propose to call it up later in the day. I hope that will be satisfactory to the Senator from Nebraska.

Mr. ALLEN. I did not hear the Senator.

Mr. ALLISON. I am engaged at this time and shall be for an

hour or two in the consideration of the deficiency appropriation bill.

Mr. TELLER. There is so much noise that we can not hear the Senator.

Mr. ALLISON. I will state that several days ago this day, as I understand, was set apart for the consideration of sundry bills relating to the District of Columbia, subordinate to appropriation bills. The sundry civil appropriation bill is under consideration at this time. On yesterday I yielded two or three hours on the consideration of that bill, and at the request of the Senator from Michigan I propose to yield now two or three hours, if I can properly do so.

Mr. ALLEN. I will read the consent agreement, which was unanimously, so far as I know, entered into on the 16th of this month. I read from page 5601 of the CONGRESSIONAL RECORD:

Mr. McMILLAN. I ask unanimous consent that on Saturday a week the Senate may take up all District bills on the Calendar at that time to be considered. Some of them are very important. It is customary in the House to give the District one day in a week, and it is almost impossible to get a bill passed at this session. I ask unanimous consent that Saturday a week may be set aside for that purpose.

Mr. ALDRICH. That is subject to appropriation bills and conference reports?

Mr. McMILLAN. Oh, certainly.

The PRESIDENT pro tempore. The Senator from Michigan asks that on Saturday a week after the—

Mr. McMILLAN. The morning business.

The PRESIDENT pro tempore. After the routine morning business the day may be given to the consideration of bills reported from the Committee on the District of Columbia, not to interfere, however, with appropriation bills. Is there objection? The Chair hears none, and it is so ordered.

The appropriation bills are expressly excepted from the unanimous-consent agreement. The sundry civil bill is now before the Senate as the unfinished business, and last evening I was addressing the Senate on one provision of that bill when interrupted by the Senator from Pennsylvania [Mr. PENROSE].

Mr. STEWART. I suggest to the Senator that the sundry civil bill is not the unfinished business in the morning hour and that it will not be the unfinished business until 2 o'clock.

Mr. LODGE. It will not be the unfinished business then.

Mr. ALLEN. When the Senator from Pennsylvania interrupted me with a statement that a special order had been fixed for that hour yesterday, I yielded the floor to him. I want to call attention to the RECORD. I read now from page 6037 of the RECORD, the proceedings of yesterday:

Mr. PENROSE. I should like to make a suggestion to the Senator from Nebraska.

Mr. ALLEN. Certainly.

Mr. PENROSE. I have already yielded more than half an hour. I wish to submit some resolutions, of which I have heretofore given notice, and as the debate gives every evidence of being somewhat lengthy, and there are other Senators who desire to be heard, I suggest that the Senator from Nebraska continue his remarks to-morrow when we take up the bill, and that I be permitted to proceed.

Mr. ALLEN. Certainly. I desire, however, to retain the floor upon this question.

The PRESIDING OFFICER. The Chair so understands the Senator from Nebraska.

Under those circumstances, Mr. President, I feel at perfect liberty to object to the consideration of any bill under this agreement that was entered into on the 16th of May.

Mr. GALLINGER. I rise to a point of order, Mr. President.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. GALLINGER. I make the point of order that a bill being under consideration at the time of adjournment and the Senator stating that he desired to hold the floor for the next day does not place that bill before the Senate on the next day except by either a motion or an agreement.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. ALLEN. I should like to hear what the point of order is, Mr. President. I was not able to hear it.

The PRESIDENT pro tempore. The only way in which the appropriation bill can be placed before the Senate now or at any time during the day is by an order of the Senate itself by a majority vote.

Mr. ALLEN. The Chair holds, then, that the sundry civil appropriation bill is not before the Senate?

The PRESIDENT pro tempore. It is not before the Senate.

Mr. ALLEN. I understood the rulings to be to the contrary heretofore.

Mr. TELLER. Mr. President, I want to say a word. I do not intend to interfere with the order of the day made on the 16th day of May with reference to setting aside this day for the use of the Committee on the District of Columbia. I only want to say that if I had heard the request, I should have entered an objection to it. I do not believe it ever has been the practice, and I do not believe it ought to be, that any committee should appropriate a day here in the Senate. That may be done in some other place, but there is really no necessity for doing it here, and great confusion will arise if it is done. On any other occasion, if it ever should happen that I should be out when such an order was made, I

should feel at liberty to enter my protest against it when the day came for its execution.

I hope the request will not be repeated. I am willing that it shall go on to-day, so far as I am concerned.

The PRESIDENT pro tempore. The Secretary will read the bill.

Mr. STEWART. One moment.

Mr. HALE. I call for the regular order.

Mr. STEWART. I desire to move to recommit—

Mr. HALE. The regular order, Mr. President.

The PRESIDENT pro tempore. The Senator from Maine demands the regular order.

Mr. STEWART. Let me move to recommit—

Mr. HALE. No.

The PRESIDENT pro tempore. The Senator from Maine demands the regular order. The Secretary will state the first bill in order under the order heretofore made.

The SECRETARY. A bill (H. R. 7950) for the extension of Columbia road east of Thirteenth street, and for other purposes.

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Daniel,	Kyle,	Quarles,
Allison,	Davis,	Lodge,	Rawlins,
Bacon,	Deboe,	McComas,	Ross,
Baker,	Depew,	McCumber,	Sewell,
Bate,	Fairbanks,	McMillan,	Shoup,
Berry,	Foraker,	Mallory,	Simon,
Burrows,	Foster,	Martin,	Stewart,
Butler,	Frye,	Morgan,	Sullivan,
Caffery,	Gallinger,	Nelson,	Teller,
Carter,	Gear,	Penrose,	Tillman,
Chandler,	Hale,	Perkins,	Turley,
Clark,	Hansbrough,	Pettigrew,	Turner,
Clay,	Harris,	Pettus,	Vest,
Cockrell,	Hawley,	Platt, Conn.,	Wetmore,
Cullom,	Heitfeld,	Pritchard,	Wolcott.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum is present. The Secretary will announce the first bill in order.

EXTENSION OF COLUMBIA ROAD.

The bill (H. R. 7950) for the extension of Columbia road east of Thirteenth street, and for other purposes, was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments. The first amendment was, in section 2, page 2, line 3, after the word "Provided," to strike out "one-half" and insert "such amount;" in line 9, after the word "road," to insert "as said jury may find said pieces or parcels of land will be benefited;" and in line 15, after the word "afore-said," to insert:

Provided, That if the aggregate amount of the benefits to be assessed, as determined by said jury pursuant to the provisions hereof, is less than one-half of the amount of the damages awarded for and in respect of the land condemned, the Commissioners of the District of Columbia may, in their discretion, within thirty days after the filing of said award, reject the award and assessment of said jury, and all proceedings hereunder shall be null and void.

So as to make the section read:

SEC. 2. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Columbia road as herein provided, such amount thereof shall be assessed by the jury herein-after provided as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said Columbia road as extended through block 23 of Columbia Heights, and also on any or all pieces or parcels of land which will be benefited by the extension of said Columbia road as said jury may find said pieces or parcels of land will be benefited; and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of Columbia road as aforesaid: *Provided, That if the aggregate amount, etc.*

The amendment was agreed to.

The next amendment was, on page 3, section 3, line 5, after the word "award," to insert "of damages and assessment of benefits;" so as to make the section read:

SEC. 3. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia, or his deputies, upon such owners of the land to be condemned as may be found by said marshal, or his deputies, within the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 12, after the word "the," to insert "return of the marshal and the;" on page 4, line 1, after the word "assess," to strike out "not less than one-

half of the amount of such damages" and insert "the benefits resulting therefrom;" so as to read:

SEC. 4. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said street and the condemnation of lands for the purposes of such extension, and assess the benefits resulting therefrom as hereinbefore provided.

The amendment was agreed to.

The next amendment was, on page 5, section 6, line 7, after the word "set," to strike out:

the same aside when satisfied that it is unjust or unreasonable, and in such event the proceedings shall be begun anew under the method provided in this act, and all former proceedings as to the particular land in controversy shall be null and of no effect: *Provided, That said objections shall be filed within thirty days after the verdict or award of said jury.*

And insert:

aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided, That if vacated in part, the residue of the verdict and award as to the land condemned or assessed shall not be affected thereby: And provided further, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award.*

So as to make the section read:

SEC. 6. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied, etc.

The amendment was agreed to.

The next amendment was, in section 8, page 6, line 15, after the words "per annum" to insert "from the date of confirmation;" and in line 16, after the word "paid," to insert:

That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of property proposed to be taken, or of property assessed for benefits whenever such amendments will not interfere with the substantial rights of the parties interested, and any such amendment may be made after as well as before the order or judgment confirming the verdict or award aforesaid.

So as to make the section read:

That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special-improvement taxes in the District of Columbia, and shall be payable in four equal annual installments, with interest at the rate of 4 per cent per annum from the date of confirmation until paid. That said court may allow amendments in form or substance in any petition, etc.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 12. That the provisions of sections 3, 4, 5, 6, 7, 8, and 11 hereof, and the provisions of section 2 hereof as to the assessment of benefits and as to the right of the Commissioners of the District of Columbia to reject the award of the jury, be, and the same are hereby, made applicable to the several acts of Congress approved March 3, 1899, entitled "An act to extend S street in the District of Columbia, and for other purposes," and "An act for the extension of Pennsylvania avenue SE., and for other purposes," in so far as the same relate to the extension of Sixteenth street NW., as amended by joint resolution approved the 30th day of January, 1900, to the extension of Pennsylvania avenue SE., the extension of Staughton street, the extension of Eckington place, the extension of Fifth street, and the extension of Howard avenue, except, nevertheless, that the assessment areas fixed by said several acts in reference to said several streets shall be and remain as in and by said acts of Congress provided.

The amendment was agreed to.

Mr. ALLEN. I should like to know how the bill will read as amended. I call for the reading of the bill as amended.

The PRESIDENT pro tempore. The Senator from Nebraska demands the reading of the bill as amended. It will be read.

The Secretary read the bill as amended.

Mr. ALLEN. I should like to have read the report accompanying this bill.

The report, submitted by Mr. McMILLAN on the 21st instant, was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7950) for the extension of Columbia road east of Thirteenth street, and for other purposes, make a favorable report thereon.

The purpose of the bill is to open a straight entrance to the Soldiers' Home from Columbia road, and the cost of this most desirable improvement will not exceed \$14,000.

The chief merit of the bill as a bill lies in the fact that it prescribes a method of condemnation which will stand the test of the courts. The amendments recommended by this committee cover the points raised in the decision of the District court of appeals rendered since the bill passed the House of Representatives. Section 12 of the bill provides that the streets already ordered by Congress to be opened shall come under the provisions of this legislation, except in those cases where proceedings have actually been begun in the courts.

The bill and amendments were framed by the attorney for the District of Columbia.

Mr. ALLEN. Mr. President, this bill has a great many vices in it, some of which I propose to point out. It provides for ad quod damnum proceedings for the condemnation of certain pieces of land, blocks, and streets in the District of Columbia for a

highway or street. I wish to direct attention in the first place to section 2 of this bill:

That of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Columbia road as herein provided, such amount thereof shall be assessed by the jury hereinafter provided as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said Columbia road as extended through block 23 of Columbia Heights, and also on any or all pieces or parcels of land which will be benefited by the extension of said Columbia road as said jury may find said pieces or parcels of land will be benefited.

Mr. President, that is a vicious provision. Instead of condemning this property, as is the ordinary course and in accordance with the established usages of the country, ascertaining its cash value at the time of condemnation—that is, as the court says, its cash value immediately before and immediately after condemnation—and paying the owner of the property that value, this bill proposes to raise in behalf of the District of Columbia a counter claim against the owner of the land, and to have considered by the jury what benefits would be derived by him by reason of the condemnation, and to subtract the smaller from the greater sum. I do not think any man can justify a bill of that kind. It is anomalous in legal history. It is questionable in morals. It is confiscatory in its operation.

The whole course of the English law has been in ad quod damnum proceedings to ascertain what injury the property holder has sustained or will sustain by reason of the condemnation of his land and depriving him of its title for public purposes, and pay him that sum. Perhaps two or three States in the Union, and not to exceed two or three States in the Union, have adopted the vicious principle embraced in this bill; but all the other States of the Union and the Territories, as I am informed, have adopted the proper rule, one that has been existent for centuries. A man can not be compelled to part with his property for compensation for private purposes. No private organization can take my property for a private purpose, and a railroad is only permitted to take private property for its right of way and its depot purposes under a fiction of the law, established by the court of errors in New York in the case of The Mohawk River Railroad Company several years ago, that the State could farm out its constitutional right of eminent domain to one of these corporations; that it was a quasi-public purpose. But the rule is unbroken that no difference how desirable a piece of property may be for a private purpose, and no difference how semipublic that private purpose may be, you can not take it, no matter what price you may offer for it.

It is the duty of the sovereign power, of course, to provide highways, streets, country roads, alleys, and all the ordinary means of communication between localities, but I submit that the casuistry of American jurisprudence should never be so blunted or so diverted from its real and pure purpose as to permit the property of a private citizen to be condemned and taken from him and then authorize the sovereign to raise up against the value of his property a counterclaim for supposed benefits extended to him.

Now, Mr. President, let us illustrate in just a moment the fair operation of this bill. We will say that a house has to be taken down. The house stands upon a piece of property that is to be condemned and taken under the operations of this bill. It may be that it is the man's store and residence, and there are many instances of that kind in this city and adjacent to it.

Under the operation of this bill the man's business is broken up; his home is destroyed; his family is set out in the street without any home; his entire occupation is gone; he is unable to earn a livelihood for himself and family; and after all that is done, then a jury, a sheriff's jury—or a marshal's jury in this case, which is in substance the same thing—may say to him, "It is true your business has gone, your family is in the street, your house is torn down; but, after all, it was a benefit to you and your family that the house should be destroyed and your family sent into the street and your business completely wiped out." Now, that is the policy and effect of this bill.

Mr. President, there is no limit whatever to these benefits. I should like to ask the Senator from Michigan what is a benefit arising to the owner of the property. The Senator is the author of the bill; he has made the report; he of course understands the measure.

Mr. McMILLAN. I can only say that the bill was framed for the purpose of opening Columbia road to Soldiers' Home, and that the people interested are entirely contented to pay their proportion of the assessment for benefits.

Mr. ALLEN. I should like to see it opened myself.

Mr. McMILLAN. It ought to be opened. The attorney of the District and several other very able men drew up these amendments for the purpose of covering difficulties that arose in former street-opening laws, in regard to condemnation proceedings. The streets mentioned in this bill can not be opened until this remedy is procured by legislation. The District court of appeals rendered the decision only a short time ago, and the amendment to which the Senator alludes was drawn up very carefully to avoid difficulties found by the courts.

But the point is that all the streets provided for are north of the city proper, where the growth is very rapid, and the people who live there demand that the streets be opened. The bill is to provide the legal machinery for such openings. I have heard no objection whatever to the measure. In fact, people are calling upon me continually at the committee room to have this legislation enacted. That is all I care to say about it.

Mr. ALLEN. I should like to see these streets opened. I have not the slightest objection to their being opened. I should like to see more streets opened in this city and District than are opened now. But I want to see it done properly.

Now, the Senator did not answer my question. What is a benefit to the property?

Mr. McMILLAN. The jury determines that.

Mr. ALLEN. Oh, no, Mr. President; you can not—

Mr. McMILLAN. The jury determines the question as to how much the damage is and who is to pay for it.

Mr. ALLEN. The jury is not the interpreter of the law. I beg to suggest to the Senator from Michigan that he is in error there. The court is an interpreter of the law. It is the business of the jury to find the facts, it is the business of the court to determine the law. But, Mr. President, there is no tribunal pointed out or created by this bill for the determination of that question.

Now, the Senator resumes his seat without answering the question. What is a benefit under this bill?

Mr. McMILLAN. I think I have answered the question as far as I understood it.

Mr. ALLEN. What is a benefit?

Mr. McMILLAN. The jury will determine how much is to be paid by each party, the District paying so much and the property paying so much.

Mr. ALLEN. What is a benefit?

Mr. McMILLAN. The jury determines to what extent it is a benefit to the property to have the street opened in the usual way, as is done in every city I know anything about.

Mr. ALLEN. What is the usual way?

Mr. McMILLAN. It is pointed out in the bill just how it is to be done.

Mr. ALLEN. I regret again to see the Senator so illy fortified to defend this provision of the bill. The trouble with the bill is that the Senator simply wants it, that is all. He does not have any reason for wanting it in its present shape; he simply wants it. He says the jury are to determine what the benefits are. If the distinguished Senator, who has served in this Chamber a great many years, can not tell what a benefit is under the bill which is drafted by him and which has been reported by him in a written report, I should like to know how an ordinary marshal's jury, miscellaneous selected, is going to determine that question.

I ask the Senator now, if I can get his attention, to withdraw this provision of the bill that provides for benefits to be assessed against the property.

Mr. McMILLAN. In answer I will say that of course I will not withdraw it.

Mr. ALLEN. No, Mr. President, of course not. There is revealed the cloven foot in the second section of this bill. For instance, you assess a man's property, and the value of the property is, say, \$3,000. You want to make the benefits accruing to that man by the establishment of the street \$2,800. Therefore, you propose to give him \$200 for his property. That, Mr. President, is legislation which is proposed in this highest legislative body of the country.

Mr. GALLINGER. If the Senator will permit me, I think if he will go to the record he will find that in every street we have heretofore opened in the District of Columbia we have had just such a provision as this.

Mr. ALLEN. I have no doubt of it. I have not the slightest doubt of it.

Mr. GALLINGER. I think it is the usual legislation in every city and State of the American Union.

Mr. ALLEN. I beg to differ with the Senator. I will take his word on medicine, but not on law.

Mr. GALLINGER. Then we will except Nebraska.

Mr. ALLEN. We will except a great many States. We will except three-fourths of the States of the Union.

Mr. GALLINGER. I take it if a man has eight or ten house lots and there is not a street through, and a street is opened enabling him to dispose of his house lots to advantage, he gets some benefits, and he ought to help pay the expense of opening the street.

Mr. ALLEN. There is where the Senator from New Hampshire falls down again. If he has seven or eight house lots, as he speaks of, he can dedicate a portion of those lots to the public. He can file a written dedication of it. He can open a street for improvement, it being a public easement. He does not have to consult anybody about it. That is the way streets and alleys and highways are established, and not by any acceptance on the part of the public.

Mr. GALLINGER. The Senator from Nebraska surely does

not argue that private parties in the District of Columbia can open a street so that house lots may be made available for sale?

Mr. ALLEN. If I have a piece of property, I can open a street or alley or a public easement of any kind across it, in spite of all the power of this world. There is no court, there is no tribunal, there is no one in the history of this country that can prevent me from doing that.

Mr. GALLINGER. Now, Mr. President, if the Senator will permit me further, I think if he will examine the situation in the District of Columbia he will find that he can not do that thing. We have very comprehensive statutes here providing how streets shall be opened, and furnishing a comprehensive and uniform plan. A private citizen can not open a street in ordinary cases.

Mr. ALLEN. You have a great many unconstitutional statutes here, too, and you will have another one if you pass this bill. There is the old argument, Mr. President. We have done wrong heretofore, ergo, we should do wrong now. One error is precedent for another error. Two errors establish the correctness of a third error. That is the process of reasoning in which my friend from New Hampshire indulges.

Mr. STEWART. I should like to call the attention of the Senator to what I believe to be a fact, that never in any instance in the history of the District of Columbia has the property of any citizen been taken by condemnation or otherwise by the public for less than its value. On the contrary, in nearly every case they have got more than double its value.

Mr. ALLEN. I think the Government has always paid more than its value.

Mr. STEWART. The Government has almost always paid more than its value. The sympathy of the jury is always with the people against the efforts of the corporations and the Government to condemn; and when individual complaints of hardship are made, if they complain at all, the finding has always been set aside and they have had their way. I have observed that here for many years. There is no danger of any harm coming to any citizen under this law. That people are benefited materially by having a roadway opened through their property is too well understood to be discussed at all. The property is of very little value until you get streets to it. It is not salable until then. Property is located with reference to streets. That being taken into consideration, they get a special benefit by the opening of the street. In fact they ought to give the property, where they have large tracts, to have streets opened.

The great mistake which was made in this town, and it will cost millions and perhaps hundreds of millions before it is through, was in authorizing subdivisions not in conformity with the general system of the city. If the plan could have been adhered to for which I contended thirty years ago, it would have saved many, many millions. That has not been done; and we are going along slowly, creeping along, at great cost, to get a few streets opened. This bill has been prepared by the attorneys in view of the decision of the Supreme Court, and I think it is constitutional and will stand. At all events, nobody will be injured by it. We have only a short time to devote to bills from the Committee on the District of Columbia, and I hope the bill will be passed and that we shall proceed to some other business from the committee.

Mr. ALLEN. I should like to put a little query to the Senator from Nevada, if I can have his attention.

Does the Senator know of any instance, or has he information of any case, where gentlemen have bought property with a view of having the Government condemn a street or alley through it?

Mr. STEWART. I do not want to be invidious and to name instances of that kind. I know of some.

Mr. ALLEN. You know of some?

Mr. STEWART. Yes.

Mr. ALLEN. I think the public ought to know it, and I think the Senator ought to state it.

Mr. STEWART. I do not think so.

Mr. ALLEN. I have understood—I do not know how true it is—

Mr. STEWART. I have not bought any property with that view.

Mr. ALLEN. No; I do not think the Senator has. I have understood that it has been the custom for gentlemen to go out on the outskirts of the city and buy pieces of land, probably not very large, but large enough to open a street across, and in the course of time have a bill passed extending a street or opening a street across the property and getting some money as a result of the verdict of a marshal's jury, thus perhaps making some profit. But I do not know how that is, and I do not care about it at this time, one way or the other.

But this provision for the assessment of benefits is a monstrous and a hideous provision, and no kind of palaver, no kind of subterfuge or talk, no attempt to glamour and gloss it over, will change the fact that it is an abnormal and unusual provision, unjust in every feature and unjust in every phase of its operations.

Now, let me read a little further from this section:

And in determining the amounts to be assessed against said pieces or parcels of land—

That is rather strange, "to be assessed against" them—

the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of Columbia road as aforesaid: *Provided*, That if the aggregate amount of the benefits to be assessed, as determined by said jury pursuant to the provisions hereof, is less than one-half of the amount of the damages awarded for and in respect of the land condemned, the Commissioners of the District of Columbia may, in their discretion, within thirty days after the filing of said award, reject the award and assessment of said jury, and all proceedings hereunder shall be null and void.

And so, Mr. President, it comes to this, that if the verdict of the marshal's jury shall not be satisfactory to the three Commissioners of the District of Columbia, they shall reject the award, and I suppose a new jury is to be summoned and impaneled and the process of condemnation is to go on again until the verdict is such as satisfies the minds of the three Commissioners of this District. Whoever heard of three administrative officers, clothed with no judicial or quasi-judicial power whatever, being given authority to set aside the verdict of a jury? Why not have that verdict go to some court in the District of Columbia and let the court, on motion, set aside the verdict of the jury? There is where the authority properly belongs. Here three men, on whom can not be conferred the authority to revise the proceedings of courts and juries, are authorized to revise and set aside the verdict of a marshal's jury summoned to condemn this land.

The Senator from Michigan, who I am glad to say is always at the service of the District, in season and out of season, says that this provision was drafted by some distinguished lawyer in the city of Washington and was thoroughly considered by the District Committee. Mr. President, you never could convince any lawyer upon the face of this earth that a proviso of that kind was drafted by a lawyer. It is too awkward, it is too bungling, it is too much out of the course of the ordinary, it is too unusual, it is too anomalous to say that a lawyer would ever draft a provision of a bill giving an executive board power to set aside the verdict of a jury.

The Senator from Michigan does not manifest the slightest desire to revise this bill and put it in shape. He is perfectly contented to sit in his seat and while away the time of this Chamber and insist that provisions of this kind shall pass the Senate and pass the House of Representatives and be signed by the President and go into operation upon the property of the poor people of the District of Columbia, and it does not concern him a particle; he eats and sleeps and drinks no doubt just as well.

There are two monstrosities in that section which I have pointed out. Now, the third section says:

That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury—

Not its final order setting aside the verdict of the jury, but its final order ratifying and confirming the awards of damages—

and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia, or his deputies, upon such owners of the land to be condemned as may be found by said marshal, or his deputies, within the District of Columbia.

If there ever was a slipshod provision upon the face of the earth, if there was ever a trap laid to catch unwary property holders, it is to be found in that third section. No notice is required, according to this bill, of the selection of the jury. According to the provisions of this bill the marshal can summon a jury and impanel them without the property holder ever knowing anything about it. He is not to have any notice of the time or place of the selection and impaneling of the jury. He is not to have the slightest opportunity to appear before that jury and introduce evidence in support of his right. The whole thing is *ex parte*. The jury can be summoned and impaneled in the dark; their proceedings can be in the dark, without anybody knowing it, and the first time the property owner is required to be warned of what is going on is to appear in the court, if he wants to do so, after the verdict has been returned.

To attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury.

Mr. President, what earthly benefit is that to him? He is invited to attend his own funeral. He is to be given ten days to attend on the ceremonies of ratifying and confirming the verdict. He can not be heard. He can not open his mouth. He can not appear by counsel or in person to raise an objection to the verdict of a jury that has been surreptitiously impaneled and whose proceedings have been conducted as a star-chamber proceeding. The highwayman, the robber, who demands of you to hold up your

hand and submit to the rifling of your pockets upon the highway is a gentleman as compared with what is done by this provision in the bill. It is confiscation without judicial procedure, and in my humble judgment it was intended and is intended to be confiscation.

Property is to be swept out and taken away by this anomalous and unusual procedure. If the Senator manifested the slightest desire to frame this bill after established precedents, if he manifested the slightest concern for the welfare of the property holder, I would feel differently about it. But he seems to think that it is a thing to be proud of to be the author of a bill possessing the monstrous, hideous provision this bill possesses. This section goes on:

And in addition to such public notice said court, whenever in its judgment it is practicable to do so—

"Whenever * * * it is practicable to do so"—

may cause a copy of said notice to be served by the marshal of the District of Columbia, or his deputies, upon such owners of the land to be condemned as may be found by said marshal, or his deputies, within the District of Columbia—

There is a nice little trap set for property holders—

as may be found by said marshal, or his deputies, within the District of Columbia.

Suppose the owner of property has a residence upon the property to be condemned. He may have lived there for years; his name may be in the directory; he may have a family living with him, a wife and children; and yet if that man happened to be out of the city at the time the marshal or deputy undertakes to find him, no notice is left at this home, there is no substituted service at all. If he is induced to leave the environments of the District of Columbia for a day or an hour, then he does not come within the protection of even this loose provision of this loose bill.

There is no requirement, as there is in every State of this Union, that if he have an established residence, it shall be the duty of the officer to leave at his residence, with some person of adult years—at least, some person over fourteen or fifteen—a certified copy of the summons or notice or subpoena. Property can be taken, with the family residing upon that property, without the slightest notice being given him, and even the giving of the sort of a notice provided for is not necessary except in the discretion—which is a great judicial baggage room for the errors and vices of the judiciary—of the judge who presides over the proceedings.

Mr. President, the phrase "due process of law" is well understood by all lawyers, and no man ought to mistake what it means. "Due process of law" means a judgment rendered after notice and an opportunity to appear in court and defend or prosecute, as the case may be. No appeal that takes away from an individual either a personal or a property right without reasonable notice, a reasonable opportunity to appear in court and protect his right, and a right to be heard before that court or to have a day in court, as the law books express it, is constitutional, either under the Constitution of the United States or the constitutions of the States. Yet the Senator from Michigan has a bill here, drafted by a distinguished lawyer of the District of Columbia, that proposes to take the property of a citizen, without the slightest notice to him, without the slightest opportunity to appear in court and make known his interest to that court, and without an opportunity to have his day in court. I do not know, Mr. President, who this distinguished lawyer is.

Mr. CAFFERY. Will the Senator pardon me for an interruption?

Mr. ALLEN. I should like to hear the Senator.

Mr. CAFFERY. Is the Senator referring to the process in the condemnation of property?

Mr. ALLEN. I am referring to the latter part of section 3 of this bill.

Mr. CAFFERY. Is it a provision that the property can be condemned without notice to the owner?

Mr. ALLEN. I will read it to the Senator again:

SEC. 3. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia, or his deputies, upon such owners of the land to be condemned as may be found by said marshal, or his deputies, within the District of Columbia.

That is the provision. Not the slightest notice is required, not the slightest issuance of a summons to notify the owner of the property that at a certain time and place the question is to be submitted to a jury whether this property shall be condemned and an opportunity given the owner of the property to appear and to produce evidence. Nothing of that kind is required; but a jury may be summoned, the proceeding had, the verdict returned before the slightest notice is required to be given to the owner of the property.

Then, that notice may be by publication in some newspaper or it may be, in the discretion of the court, directed to be given by the marshal or his deputies upon such owners of the land as may be found by such marshal or his deputies within the District of Columbia. Then he has no right except to go into the court and witness the procedure of the court and the entering of the order of condemnation on the verdict of the jury of the court, he being deprived entirely of any power to have the verdict set aside. I should like to ask the Senator from Louisiana if he thinks that meets the constitutional requirement of "a day in court?"

Mr. CAFFERY. I should like the Senator to answer my question. What are the proceedings as to notification in the public press of the owner of the award of the jury?

Mr. ALLEN. It is entirely ex parte; it is an ex parte jury and an ex parte impaneling of that jury.

Mr. CAFFERY. Without any notice.

Mr. ALLEN. Without any notice. It is an ex parte hearing and an ex parte rendering of the verdict.

Mr. CAFFERY. I will state to the Senator from Nebraska that before I answer his question I should have to read the whole bill, which I have not done; but from his statement it seems to me like a condemnation of land without notice to the owner.

Mr. ALLEN. That is what I think.

Mr. CAFFERY. That is what I take it to be.

Mr. ALLEN. That is exactly what it is.

This bill provides for a jury of seven men. Seven men are to be impaneled as a jury, not twelve, and wherever a party has a right of trial by jury the courts have held, without exception, that a jury means twelve men—a traverse jury. It is proposed to cut this down five and have a jury of only seven men. They are to be selected by the marshal as he may see fit to select them. They are not to be—

in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said street and the condemnation of lands for the purposes of such extension, and assess the benefits resulting therefrom as hereinbefore provided.

Now, look at that provision again. The only oath that can be administered to the jurors is—

that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages.

Mr. President, they are left to run wild. Herein the provisions of this bill are in direct variance with the provisions of the different States of this Union for the condemnation and taking of land. They require a jury of twelve men—the old common-law jury. Wherever the Constitution provides that a man is entitled to trial by jury it means a jury of twelve men, not eleven; and courts have held that even a party put upon trial for crime can not waive the twelfth man, but when a juror was taken sick during the deliberations of the jury in their room, and the prisoner, in person or by counsel, in open court, agreed to a discharge of the twelfth man, the sick man, the other eleven returning a verdict, the court set it aside and held that it was unconstitutional. The Senator from Michigan proposes to do away with five men, set them aside. If you can do away with five men, can you not do away with seven, and can you not do away with the entire jury and let one man be the jury, and enter upon this process of confiscating the property of persons whose interests may be at variance with the desires perhaps of some real-estate speculator?

Ordinarily, Mr. President, when a jury are summoned in such cases they are taken before the court and instructed in their duty. The court, by a proper charge given to them, points out the law that is to govern them, lays down the rule by which they must be guided in ascertaining the facts and in determining the amount of damages that are to be awarded, if any. If they fail to follow that charge, it is within the power of the court to set aside their verdict and nullify the action taken by them.

Ordinarily a party has a right not only to notice to appear before the jury, but a right to introduce his evidence; and when the public, through its proper attorney, offers evidence showing the necessity for the condemnation of property, the owner of the property may appear in person or by counsel and rebut that evidence. He may show, unless the law fixes a rule to the contrary, that the purpose is not a public purpose; he may show that it is not necessary; he may show that the damages testified to by the witnesses seeking to condemn the property are not the true measure of damages; he may show that they are inadequate; he may show anything that rebuts the case of those who seek to take his land.

Then, Mr. President, this jury is required to be kept together—I am speaking not of this bill now, but I am speaking of the general rule of law—they are required to be kept together until they reach a verdict and return it. Here your seven men can scatter all over the District of Columbia and go wherever they see fit to go, talk with whomsoever they may come in contact with, and be

influenced by all the machinations that are to be found around this delightful capital city; and then they can come together again, after hearing what this real-estate man says and the other real-estate man says, and find and write out a verdict that wipes the poor devil out entirely, as they do very frequently, I am told. And yet, Mr. President, a distinguished lawyer, so we are informed by the Senator from Michigan—it should be marked that he is distinguished—drafted this bill and laid it before the Committee on the District of Columbia.

Section 5 provides—

That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the extension of said street or highway, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

Section 6 provides—

That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part, the residue of the verdict and award as to the land condemned or assessed shall not be affected thereby: *And provided further*, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award.

Those provisions are inserted, Mr. President, not for the benefit of the owners of property. They are in their nature restrictive.

It is always the delight of my life to talk to a full house, and I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Fairbanks,	McComas,	Ross,
Allison,	Frye,	McCumber,	Scott,
Bacon,	Gallinger,	McLaurin,	Sewell,
Bate,	Gear,	McMillan,	Shoup,
Berry,	Hale,	Mallory,	Simon,
Burrows,	Hanna,	Martin,	Stewart,
Butler,	Hansbrough,	Morgan,	Taliaferro,
Caffery,	Hawley,	Nelson,	Teller,
Carter,	Heitfeld,	Penrose,	Tillman,
Clark,	Kenney,	Perkins,	Turley,
Clay,	Kyle,	Pettigrew,	Vest,
Cockrell,	Lindsay,	Platt, Conn.	Wetmore.
Cullom,	Lodge,	Pritchard,	
Daniel,	McBride,	Rawlins,	

The PRESIDING OFFICER. Fifty-four Senators have answered to the roll call. A quorum is present. The Senator from Nebraska will proceed.

Mr. NELSON. Will the Senator from Nebraska yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. ALLEN. I yield to the Senator from Minnesota.

Mr. NELSON. I ask unanimous consent to take up a bridge bill for immediate consideration.

Mr. McMILLAN. I shall have to object to that bill now.

The PRESIDING OFFICER. Objection is made. The Senator from Nebraska is entitled to the floor.

Mr. ALLEN. Mr. President, I am more than delighted to note the response to the roll call and to see that Senators have come in promptly to hear what I may say upon this bill, and I shall be equally delighted if they will give me the benefit of their company and association until I conclude.

I was speaking at the time the roll was called of the provisions of section 6. Section 6 provides that a verdict may be chopped up into pieces. Whatever suits that are instituted by the powers that be are to stand, and that portion of the verdict—which is indivisible, of course—that does not suit them is to be destroyed.

I yield to the Senator from Michigan, if he desires to make a statement.

Mr. McMILLAN. I desire to make a statement in regard to these District bills. I understand the Senator from Nebraska objects to a certain bill that we expected to take up to-day, called the consolidated railway bill. The Senator desires that that bill shall not be taken up to-day; and I have, after consulting members of the District Committee, agreed not to call it up.

Mr. ALLEN. I understand, then, Mr. President, the Senator suggests that the consolidated street railway bill be passed over and take its place on the Calendar, and be taken out of the unanimous-consent agreement.

Mr. McMILLAN. That is as I understand it.

Mr. ALLEN. Then, Mr. President, I have nothing further to offer.

Mr. CHANDLER. Will the Senator from Nebraska now vote for the Columbia road extension bill?

Mr. ALLEN. No.

The PRESIDING OFFICER. The bill is still in the Senate as in Committee of the Whole, and open to amendment.

Mr. MORGAN. I think I have the consent of the chairman of the Committee on the District of Columbia to propose an additional section here, a matter of not any very great public importance.

The PRESIDING OFFICER. The Senator from Alabama offers an amendment, which will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. —. That the name of Four-and-a-half street NW., as to that portion thereof which extends from Pennsylvania avenue to Judiciary Square, is changed to "Marshall place."

Mr. McMILLAN. I have no objection to that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BOARD OF CHARITIES.

Mr. GALLINGER. In agreement with the chairman of the committee, I now ask for the consideration of the bill (H. R. 7663) to establish a board of charities for the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. GALLINGER. The bill has heretofore been read.

The PRESIDING OFFICER. The bill has heretofore been read.

The bill was reported from the Committee on the District of Columbia with amendments. The first amendment was on page 2, line 3, after the word "Congress," to insert:

The superintendent of charities shall act as the secretary of said board, and hereafter he shall only discharge such duties as may be imposed on him by the board of charities, and shall receive only such salary as may be fixed by the said board, subject to appropriations of Congress.

Mr. GALLINGER. I offer a substitute for the proposed amendment of the committee.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire in the nature of a substitute will be read.

The SECRETARY. In lieu of the words read it is proposed to insert:

Provided, That the office of superintendent of charities of the District of Columbia is hereby abolished from and after the 30th day of June, 1900; and the amounts appropriated in the act making appropriations for the expenses of the District of Columbia for the fiscal year ending June 30, 1901, for salaries of superintendent of charities, and of messenger in the office of said superintendent, and for traveling expenses, are hereby made available for the payment of secretary of the board of charities, messenger for said board, and necessary traveling expenses authorized by said board.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 2, line 19, after the word "courts," to strike out "or abandoned infants needing immediate care;" so as to read:

And no payment shall be made to any such charitable, eleemosynary, correctional, or reformatory institution for any resident of the District of Columbia who is not received and maintained therein pursuant to the rules established by such board of charities, except in the case of persons committed by the courts.

Mr. GALLINGER. I ask that the amendment may be disagreed to.

The amendment was rejected.

Mr. GALLINGER. On page 1, line 14, after the word "members," I move to insert what I send to the desk.

The SECRETARY. On page 1, line 14, after the word "members," it is proposed to insert:

And shall appoint a secretary, who shall receive a salary of \$3,000 per annum, and a messenger, who shall receive a salary of \$840 per annum.

So as to read:

The board shall elect a president and vice-president from among its own members, and shall appoint a secretary, who shall receive a salary of \$3,000 per annum, and a messenger, who shall receive a salary of \$840 per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. CARTER. I ask the Senator in charge of the bill to allow it to be passed over until the Senator from Missouri [Mr. VEST] arrives in the Chamber. He advised me that he desired to be heard on the subject.

Mr. McMILLAN. I will state to the Senator from Montana that these amendments are exactly in accord with the views of the Senator from Missouri [Mr. COCKRELL], the Senator from Missouri [Mr. VEST], and the Senator from Colorado [Mr. TELLER].

Mr. GALLINGER. There was an agreement.

Mr. McMILLAN. They are satisfied.

Mr. CARTER. I inquired of the Senator from Missouri [Mr. VEST] a few moments ago, and he said he had not given the matter any attention, but that he was opposed to the bill and desired to

look it over. I merely ask that the bill may be passed over until he returns to the Chamber.

Mr. GALLINGER. Let it be passed over.

The PRESIDING OFFICER. It will be passed over temporarily.

Mr. GALLINGER subsequently said: The Senator from Missouri [Mr. VEST] is now in his seat, and I ask that the consideration of the bill which was passed over a moment ago may be resumed.

The Senate resumed the consideration of the bill.

The PRESIDENT pro tempore. The bill is in the Senate, and the question is on concurring in the amendments made as in Committee of the Whole.

Mr. VEST. I should like to have read the amendments which have been made as in Committee of the Whole.

The PRESIDENT pro tempore. The Secretary will state the amendments made as in Committee of the Whole.

The Secretary stated the amendments.

Mr. COCKRELL. As I understand, the amendment on page 2, beginning "the superintendent of charities shall act as the secretary of said board," etc., has been disagreed to.

Mr. GALLINGER. It was stricken out, and a substitute agreed to.

Mr. COCKRELL. Yes; I understand that has been done; and the office of superintendent of charities has been abolished?

Mr. GALLINGER. Precisely.

The PRESIDENT pro tempore. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WATER-MAIN TAXES.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 8498) to amend an act entitled "An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July 8, 1898.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GALLINGER. I offer an amendment to the bill, to be known as section 3.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 3. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to cancel the assessment of water-main taxes unpaid on Brightwood avenue for the laying of the water main about July 20, 1895, from Fort Reno reservoir to and on Brightwood avenue from the Military road to Aspen street, where the water has not been introduced from said main on adjoining property since said water main was laid; and they are authorized and directed to reassess the tax for laying said main on Brightwood avenue according to existing law.

The amendment was agreed to.

Mr. GALLINGER. The only other amendment is a clerical one, to make section 3 in the bill section 4.

The PRESIDENT pro tempore. Section 3 will be changed to section 4.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CAPITAL TRACTION AND ANACOSTIA RAILROADS.

Mr. McMILLAN. I now call up the bill (H. R. 2836) authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company of the District of Columbia.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the Capital Traction Company of the District of Columbia be, and it hereby is, authorized and required to construct the necessary tracks and to make the necessary connections for the purpose of operating its cars by the underground electric system and to operate the same over and along the following route, namely: Beginning at the intersection of First and C streets NW., east on C street to Delaware avenue, and thence by a loop around square 686 (bounded by Delaware avenue, B, First, and C streets NE.). Also, beginning at the intersection of Pennsylvania avenue and Seventeenth street NW.; south on Seventeenth street by double tracks to G street NW.; west on G street by single track to Twenty-fifth street; north on Twenty-fifth street by single track to Pennsylvania avenue. Also, beginning with the tracks at the corner of Seventeenth and G streets NW.; south on Seventeenth street by single track to F street NW.; west on F street by single track to Twenty-sixth street NW.; north on Twenty-sixth street by single track to Pennsylvania avenue: *Provided*, That for the purpose of furnishing a loop, for use when necessary, a single track may be extended along G street NW. from Twenty-fifth to Twenty-sixth streets, connecting with the single tracks in Twenty-fifth and Twenty-sixth streets NW.

SEC. 2. That the Anacostia and Potomac River Railroad Company be, and it is hereby, authorized and required, within one year from the date of the approval of this act, to extend the lines of its underground electric railroad from the intersection of First street east and E street south, north along

First street to B street south; thence west along B street, connecting with its existing tracks between Second and Third streets west.

SEC. 3. That where the route provided for in this act coincides with the routes of existing street railways one set of tracks shall be used in common, upon terms mutually agreed upon, or, in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give hearing to the interested parties and to fix the terms of joint trackage.

SEC. 4. That the extensions herein authorized shall be completed and cars operated over the same within one year from the date of the passage of this act. The double tracks of the Capital Traction Company now in the south side of C street NW., between First street and New Jersey avenue, shall also be removed within said time, and the spaces so vacated restored to proper condition in a manner satisfactory to the Commissioners of the District of Columbia.

SEC. 5. That the extensions herein authorized shall be constructed in accordance with plans satisfactory to the Commissioners of the District of Columbia and approved by them.

SEC. 6. That the said Capital Traction Company and the Anacostia and Potomac River Railroad Company shall have, over and respecting the routes herein provided for, the same rights, powers, and privileges they respectively have or hereafter may have by law, over and respecting their other routes, and be subject in respect thereto to all the other provisions of their charters and of law.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

Mr. COCKRELL. I wish to ask the Senator where is the point indicated in the first clause:

Beginning at the intersection of First and C streets NW.

Mr. McMILLAN. That is just opposite the Baltimore and Ohio Railroad depot. It runs up C street to Delaware avenue and makes a loop.

Mr. COCKRELL. "To Delaware avenue and thence by a loop around square 686 (bounded by Delaware avenue, B, First, and C streets NE.)." That is, it comes up to the corner of the Capitol grounds, on the Metropolitan tracks, thence toward the Library, thence north to the tracks of the Suburban road.

Mr. McMILLAN. Yes; up to the Capitol grounds and right around.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company and of the Anacostia and Potomac River Railroad Company of the District of Columbia."

CONSTITUTIONS OF SOUTH AFRICAN REPUBLICS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, ordered to lie on the table, and be printed:

To the Senate:

I transmit herewith, in answer to the resolution of the Senate of May 22, 1900, a report from the Secretary of State, showing that the consul of the United States at Pretoria was directed on May 8, 1900, to forward copies of the constitutions of the South African Republic and the Orange Free State by return mail. Translations thereof will be communicated to the Senate at the earliest practicable date.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,

Washington, May 26, 1900.

CAPITAL TRACTION COMPANY.

Mr. McMILLAN. I desire to call up the bill (H. R. 6243) to amend the charter of the Capital Traction Company of the District of Columbia.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, in section 1, page 1, line 12, after the word "east," to strike out "thence by single track south on Fifteenth street to K street south, east on K street to the circle, north on the circle to Pennsylvania avenue, and westerly on Pennsylvania avenue to Fifteenth street," and insert: "thence by a single track loop on Pennsylvania avenue, the circle, K, and Fifteenth streets, bounding square No. 1078, and connecting with the double tracks at Pennsylvania avenue and Fifteenth street east;" so as to make the section read:

That the Capital Traction Company be, and the same is hereby, authorized and required, within six months from the passage of this act, to lay down an underground electric railway, with the necessary switches and turn-outs in the city of Washington, in the District of Columbia, through and along the following streets and avenues, namely: Beginning at the main tracks at the intersection of Pennsylvania avenue and Eighth street southeast, and thence easterly along said Pennsylvania avenue with double tracks to Fifteenth street east; thence by a single-track loop on Pennsylvania avenue, the circle, K, and Fifteenth streets, bounding square No. 1078, and connecting with the double tracks at Pennsylvania avenue and Fifteenth street east; all work to be done in accordance with plans acceptable to and approved by the Commissioners of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the following bills:

A bill (S. 3106) relating to accounts of United States marshals and the clerks of the district courts for the Territory of Utah; and
A bill (S. 4615) to facilitate the entry of steamships engaged in the coasting trade between Porto Rico and the United States.

The message also announced that the House had passed a concurrent resolution to provide for a correction in the enrollment of the Indian appropriation bill; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a resolution calling for a duplicate engrossed copy of the concurrent resolution of the Senate requesting the President of the United States to return the bill (S. 2344) granting a pension to Alice V. Cook, the original having been lost; in which it requested the concurrence of the Senate.

Alice V. Cook.

Mr. GALLINGER. There is a resolution from the House of Representatives which I ask may be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution indicated by the Senator from New Hampshire. The resolution was read, as follows:

Resolved, That the Clerk be directed to request the Senate to furnish the House with a duplicate engrossed copy of the concurrent resolution of the Senate requesting the President of the United States to return to the Senate the bill (S. 2344) granting a pension to Alice V. Cook, the original having been lost.

Mr. GALLINGER. I trust that the resolution may be agreed to.

The PRESIDENT pro tempore. The question is on concurring in the resolution of the House of Representatives.

The resolution was concurred in.

GRADES OF TWENTIETH STREET.

Mr. GALLINGER. I ask for the present consideration of the bill (H. R. 10740) to regulate the grades of Twentieth street, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

METROPOLITAN RAILROAD COMPANY.

Mr. McMILLAN. I ask unanimous consent for the immediate consideration of the bill (H. R. 8665) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments. The first amendment was, in section 2, page 2, line 5, after the word "institute," to strike out:

Proceedings for the condemnation of so much land as may be required for the said widening, which proceedings shall be instituted in the supreme court of the District of Columbia under and in accordance with the provisions of sections 257 to 267, both inclusive, of the Revised Statutes of the United States relating to the District of Columbia.

And insert:

In the supreme court of the District of Columbia, sitting as a district court, by petition, particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Columbia road and the present Sixteenth street as herein provided, with a width of 100 feet.

And in line 23, after the word "Capitol," to insert:

And provided further, That in the widening of said present Sixteenth street, there shall be no encroachment upon any lot or lots upon the east side of said street upon which any dwelling house is now erected or in process of erection, and no tracks shall be laid on any portion of Sixteenth street as extended according to the highway extension plans.

So as to make the section read:

SEC. 2. That before such extension shall be constructed Columbia road and the present Sixteenth street shall be widened to the width of 100 feet along the lines of the said railway as extended by the Commissioners of the District of Columbia and the said Commissioners shall institute in the supreme court of the District of Columbia, sitting as a district court, by petition, particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Columbia road and the present Sixteenth street as herein provided, with a width of 100 feet: *Provided*, That the said Commissioners are authorized and empowered to locate the lines of the railroad of said company within the area so to be acquired as aforesaid: *And provided further*, That the operation of the cars of the Metropolitan Railroad within the Capitol grounds shall be under the control of the Architect of the Capitol: *And provided further*, That in the widening of said present Sixteenth street, there shall be no encroachment upon any lot or lots upon the east side of said street upon which any dwelling house is now erected or in process of erection, and no tracks shall be laid on any portion of Sixteenth street as extended according to the highway extension plans.

The amendment was agreed to.

The next amendment was to strike out section 4, in the following words:

SEC. 4. That of the amount found due and awarded as damages for and in respect of the land condemned for the extension of Columbia road and the present Sixteenth street, as in this act provided, not less than one-half thereof shall be assessed by the jury in said proceedings against the Metropolitan Street Railroad Company and collected as special assessments are collected, and the remainder of said damages shall be assessed against all those pieces and parcels of ground situated and lying on each side of those portions of Columbia road and Sixteenth street NW. that are to be widened, and extending to a depth of 250 feet, measured on each side from the building lines of said highways as widened; and in case the jury should find that the damages so assessed against the said property exceed the benefits accruing to the same by reason of the widening of said street, then this proceeding shall fail and this act shall be null and void: *Provided*, That if the use of a part only of any piece or parcel of ground shall be condemned, the jury in determining its value shall not take into consideration any benefits that may accrue to the remainder thereof from the widening of said streets, but such benefits shall be considered in determining what assessments shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

And insert in lieu thereof the following:

SEC. 4. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Columbia road and the present Sixteenth street, as herein provided, such proportional amounts thereof as the jury hereinafter provided shall determine shall be assessed by said jury as benefits, and to the extent of such benefits, against, respectively, the Metropolitan Street Railroad Company, and collected as special assessments are collected, and against those pieces or parcels of land on each side of said Columbia road and the present Sixteenth street NW. along those portions of said streets that are to be widened, and also on any or all pieces or parcels of land which will be benefited by the extension of said Columbia road and the present Sixteenth street NW. as said jury may find said pieces or parcels of land will be benefited; and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of Columbia road as aforesaid: *Provided*, That if the aggregate amount of the benefits to be assessed, as determined by said jury pursuant to the provisions hereof, is less than one-half of the amount of the damages awarded for and in respect of the land condemned, the Commissioners of the District of Columbia may, in their discretion, within thirty days after the filing of said award, reject the award and assessment of said jury, and all proceedings hereunder shall be null and void.

The amendment was agreed to.

The next amendment was to strike out section 5, in the following words:

SEC. 5. That when confirmed by said court the assessments on lands as aforesaid shall severally be a lien on the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in four equal annual installments with interest at the rate of 4 per cent per annum until paid: *Provided*, That payment of the sum or sums of money adjudged to be due and payable for lands taken under the provisions of this act shall be made by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrant of said Commissioners, out of the revenues of the District of Columbia; and a sufficient sum to pay such judgments and awards is hereby appropriated out of the revenues of the District.

And insert in lieu thereof the following:

SEC. 5. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia, or his deputies, upon such owners of the land to be condemned as may be found by said marshal, or his deputies, within the District of Columbia.

The amendment was agreed to.

The next amendment was to insert the following as an additional section:

SEC. 6. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said street and the condemnation of lands for the purposes of such extension, and assess the benefits resulting therefrom as hereinbefore provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections, and to excuse any juror or cause any vacancy in the jury, when impaneled, to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed, in the presence of the court, if the court shall so direct, or otherwise as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceedings for the extension of said street. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount to be found due and payable as damages sustained by reason of the extension of said street under the provisions thereof, and of the pieces or parcels of land benefited by such extension and the amount of the assessment for such benefits against the same.

The amendment was agreed to.

The next amendment was to insert the following as an additional section:

SEC. 7. That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the extension of said street or highway, but such benefits shall be considered in

determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

The amendment was agreed to.

The next amendment was to insert the following as an additional section:

SEC. 8. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part, the residue of the verdict and award as to the land condemned or assessed shall not be affected thereby: *And provided further*, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award.

The amendment was agreed to.

The next amendment was to insert the following as an additional section:

SEC. 9. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the Commissioners of said District, out of the revenues of the District of Columbia; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was to insert the following as an additional section:

SEC. 10. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special-improvement taxes in the District of Columbia, and shall be payable in four equal annual installments, with interest at the rate of 4 per cent per annum from the date of confirmation until paid. That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of property proposed to be taken, or of property assessed for benefits whenever such amendments will not interfere with the substantial rights of the parties interested, and any such amendment may be made after as well as before the order or judgment confirming the verdict or award aforesaid.

The amendment was agreed to.

The next amendment was to insert the following as an additional section:

SEC. 11. That each juror shall receive as compensation the sum of \$5 per day for his services during the time he shall be actually engaged in such services under the provisions hereof.

The amendment was agreed to.

The next amendment was to insert the following as an additional section:

SEC. 12. That the sum of \$300 is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That the Clerk be authorized in the enrollment of H. R. 7433, "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes," to strike out lines 12 and 13, page 55 of the engrossed bill [upon the reservation], and insert "at reservation or industrial school."

Mr. PETTIGREW. What is that?

Mr. PLATT of Connecticut. It is for the purpose of correcting a mistake which was made. I move that the Senate concur in the resolution.

The motion was agreed to.

BALTIMORE AND POTOMAC RAILROAD.

Mr. McMILLAN. I ask the Senate to proceed to the consideration of the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes.

The Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on the District of Columbia with amendments.

Mr. McMILLAN. I wish to call attention to the fact that a part of the bill was read on a former day.

The PRESIDENT pro tempore. Does the Senator remember to what extent it was read?

Mr. McMILLAN. I think it was read to line 8, on page 4.

The Secretary resumed the reading of the bill.

The first amendment of the Committee on the District of Columbia was, in section 3, page 5, line 3, before the word "not,"

to insert "or arches;" in the same line, before the word "feet," to strike out "fifty" and insert "two hundred;" in line 4, after the word "as," to strike out "shown on the plans and profiles mentioned in the first section of this act" and insert "shall be approved by the Commissioners of the District of Columbia;" in line 8, after the word "afford," to strike out "a roadway in the center with a sidewalk on each side thereof" and insert "roadways and sidewalks;" in line 10, after the word "said," to strike out "passageway" and insert "passageways;" in the same line, after the word "of," to strike out "its" and insert "their;" and in line 13, after the word "and," to strike out "roadway" and insert "roadways;" so as to make the section read:

STATION BUILDING.

SEC. 3. That in order to accommodate the increasing passenger, mail, express, and other traffic in the city of Washington, the said Baltimore and Potomac Railroad Company shall have and be possessed of the right, which is hereby granted and conferred, to occupy and use, on the conditions hereinafter mentioned, that portion of the Mall lying between B street SW. and B street NW. as the southerly line of said B street NW. is hereinafter defined, and between the west line of Sixth street and a line drawn parallel therewith and 340 feet west thereof, and to erect and maintain thereon a station building and appurtenances, train sheds, and tracks and sidings in connection therewith suitable and adequate for the convenient accommodation of said traffic; and the said Baltimore and Potomac Railroad Company shall, in connection with its occupation and use of the portion of the Mall hereby granted, locate, construct, and maintain beneath its tracks and structures on the line of West Capitol street, as shown on the city maps, a substantial arch or arches not less than 200 feet in width, as a public passageway for vehicular and pedestrian traffic (as shall be approved by the Commissioners of the District of Columbia), which shall be so constructed as to afford roadways and sidewalks; and the said company shall also pave the said passageways at the time of their construction to the satisfaction of the Commissioners of the District of Columbia, but thereafter the maintenance of the pavement and roadway shall devolve upon the said District of Columbia.

The amendment was agreed to.

The next amendment was, on page 5, line 15, in the headline, after the word "tracks," to strike out "on Sixth street;" so as to read:

Temporary tracks.

The amendment was agreed to.

The next amendment was, on page 5, after line 15, to strike out section 4, as follows:

SEC. 4. That pending the reconstruction herein provided for, the said Baltimore and Potomac Railroad Company, in order to accommodate its present traffic, is hereby authorized to lay in Sixth street, north of Virginia avenue, a third track, which shall be removed at the same time as the tracks now existing upon said street and as hereinbefore required to be removed.

And to insert the following:

SEC. 4. That if it should at any time be deemed necessary or advisable, in the construction of the works herein authorized, to lay temporary tracks on any street or avenue to accommodate the business of the Baltimore and Potomac Railroad Company pending the completion of such works, the said company may lay such temporary tracks, subject to the approval and under the direction of the Commissioners of the District of Columbia, and shall remove the same and restore every such street or avenue to its former condition, to the satisfaction of said Commissioners, within sixty days after the completion of the works herein authorized.

The amendment was agreed to.

The next amendment was, on page 6, after line 9, to strike out section 5, as follows:

SEC. 5. That the United States Fish Commission building and appurtenances, now located on that part of the Mall hereby granted to said Baltimore and Potomac Railroad Company, shall be removed therefrom and relocated on the said Mall west of the portion thereof so granted to said railroad company, at the expense of the United States.

And in lieu thereof to insert the following:

SEC. 5. That the United States Fish Commission building and appurtenances, now located on that part of the Mall hereby granted to said Baltimore and Potomac Railroad Company, shall be removed therefrom and rebuilt on the said Mall west of the portion thereof so granted to said railroad company, under the directions of, and according to plans approved by, the Chief Engineers of the United States Army; and the cost of such removal and rebuilding shall be defrayed by the said Baltimore and Potomac Railroad Company to an amount not exceeding \$40,000: *Provided*, That the expense of such removal and rebuilding in excess of \$40,000 shall be paid by the United States.

The amendment was agreed to.

The next amendment was, in section 7, under the headline "Streets to be vacated," on page 8, after line 4, to insert:

I street SE., between First and South Capitol streets.

The amendment was agreed to.

The next amendment was, in section 7, page 8, after line 24, to strike out "On account of the small benefits which would accrue to the public and the great expense which would be involved in keeping open the;" in line 2, page 9, before the word "following-named," to insert "The;" and in the same line, after the word "streets," to strike out "they;" so that the clause will read:

The following-named streets are hereby vacated and abandoned, namely.

The amendment was agreed to.

The next amendment was, in section 7, page 9, after line 15, to insert the following proviso:

And provided further, That no portion of any street shall be closed under authority of this act until said railroad company shall have secured control of the property abutting upon said portion to be closed, it being the intent hereof that no property owner shall be deprived of egress from or ingress to his property.

So as to make the clause read:

C street SW., between Sixth and Seventh streets SW.: *Provided, however, That nothing herein contained shall be construed to prohibit the public authorities from entering upon vacated and abandoned streets and avenues for the purpose of locating, constructing, maintaining, or repairing therein sewers, water mains, gas mains, conduits, or other underground construction necessary for the public comfort, convenience, or health: And provided further, That no portion of any street shall be closed under authority of this act, etc.*

The amendment was agreed to.

The next amendment was, in section 9, page 11, line 25, after the word "arch," to insert "or arches;" in the same line, after the word "for," to strike out "a passageway" and insert "passageways;" in line 2, page 12, after the word "the" where it occurs the second time, to strike out "roadway" and insert "roadways;" in line 3, after the word "said," to strike out "passageway" and insert "passageways;" and after line 20 to strike out "and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sum of money as will be necessary to pay the 50 per cent to be borne by the United States;" so as to make the section read:

SEC. 9. That the entire cost and expense of the revision, changes, relocations, and improvements of and in said railroad, as authorized and required by the preceding sections of this act, and of all structures connected therewith or incidental thereto, shall be borne, paid, and defrayed in manner following, to wit: The said Baltimore and Potomac Railroad Company shall bear, pay, and defray all cost and expense of the relocations, elevation, and depression of its tracks within the limits of its right of way as are authorized and required by this act, including the construction of so much of the bridges conveying streets over its tracks, right of way, and other property as shall be within the limits thereof, and the reconstruction within such limits of the streets which shall be carried beneath the same, the cost and expense of removing its tracks from Sixth street north of Virginia avenue, and from K street and Canal street, and the restoration of such parts of said streets for the uses of the public; the cost and expense of constructing and maintaining the arch or arches for passageways underneath its said tracks located on the Mall, as well as the original cost of paving the roadways and sidewalks to be located within the said passageways; and all other costs, expenses, and damages resulting from, incidental to, or connected with the revisions, changes, and improvements in alignment and grades of said railroad, or the relocations thereof by this act required and authorized, and from changes in the grades of the streets or the railroad, and the lawful operation of the said railroad upon the location and structures contemplated and required by this act, and whether to property owners affected thereby or otherwise, as well as the cost and expense of all street approaches to said company's tracks and right of way, whether overhead by means of bridges or under grade, shall be borne, paid, and defrayed in manner following, to wit: 50 per cent thereof by the United States and the remaining 50 per cent thereof by the District of Columbia, which last-mentioned 50 per cent shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia.

All work within the limits of the said railroad company's right of way, including the bridges within said limits, shall be done by said railroad company to the satisfaction and approval of the Commissioners of the District of Columbia, who are authorized to exercise such supervision over the same as may be necessary to secure the proper construction and maintenance of the said work. And all work which is without the limits of the right of way of said railroad company shall be done by the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 10, page 13, after line 18, to strike out "That portion of square 462 lying between B street SW. and Maryland avenue, and between Sixth street SW. and a line drawn parallel therewith 340 feet west thereof, and all of squares" and insert "all of squares 462;" on page 14, line 2, after the word "present," to strike out "railroad yards" and insert "main tracks of the company;" in line 4, after the word "street," to strike out the following:

And also as much property on Water street west of Seventh street SW. as may be required for freight delivery facilities, in connection with the right and privilege which are hereby conferred, to lay and maintain tracks to be used for freight delivery on said Water street west of Seventh street SW., which shall be located on the northerly side thereof, and so as to leave a clear width of 50 feet outside said tracks; and trains or cars moved on said tracks shall not be permitted to stand on or across any street crossing said Water street for a period of exceeding ten minutes or such other reasonable time in excess thereof as the Commissioners of the District of Columbia may prescribe; but before original location of such tracks on any part or portion of said Water street herein designated therefore the consent of the owner or owners of at least one-half in amount in linear feet of property on the north side of Water street coincident in extent with such original location shall be first obtained, and as to any subsequent extension or extensions thereof from time to time on said portion of Water street a like consent of owners of property on the north side of said street coincident with each successive extension shall be first obtained.

So as to read:

That to enable the Baltimore and Potomac Railroad Company to effectuate the purposes contemplated and authorized by this act, the said company be, and they are hereby, authorized and empowered to acquire, either by purchase or condemnation, as hereinafter provided, and, when so acquired, to use the same for tracks and other corporate purposes, and make all such improvements thereon and thereto as may be deemed necessary, the following properties, to wit: All of squares 462, 463, 463 south, and 493; and also as much land as may be required for tracks and other corporate purposes which lies to the south of the present main tracks of the company between South Capitol and First streets SE. and north of the northerly line of M street: *Provided, however, That if land shall be acquired south of the present railroad yards and between South Capitol and First streets SE. as in this section authorized the said railroad company shall, when so required by the Commissioners of the District of Columbia, make adequate and suitable provision for carrying such streets as may intersect the same across the tracks which shall be located thereon by overhead bridges in a manner satisfactory to the said Commissioners: Provided further, That the cost and expense of raising grades of streets and all approaches to such bridges shall be borne and defrayed by the District of Columbia.*

The amendment was agreed to.

The next amendment was, in section 10, page 15, line 20, after the word "Columbia," to insert:

And in case the company requiring such land and property wishes to take immediate possession of the same, it may, at the time of filing a description of the rights and interests intended to be appropriated, as provided in section 650 of said Revised Statutes, file also with the clerk of the supreme court of the District of Columbia its bond to the owner or owners of such land and property to be appropriated, conditioned for the payment to such owner or owners of the damages for the taking thereof when the same shall have been ascertained according to the provisions of said sections of the Revised Statutes; and upon the filing of said bond, and the approval of the same by a judge of said court, the right of the company to enter upon the property to be appropriated shall be complete; and the amount of the bond, the sufficiency of the surety or sureties thereon, and the form thereof shall be subject to the approval of one of the judges of the said court, and recovery may be had thereon for the amount of the damages assessed if the same be not paid or can not be made by execution on final judgment in the condemnation proceedings. And it shall be lawful for said Baltimore and Potomac Railroad Company to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized by this act into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purposes of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises: *Provided, however, That no grade crossing of any street or avenue within the city of Washington shall be thereby created, but such connecting tracks shall be carried across such street or avenue in such manner as not to obstruct the free use thereof, and the plans of such connecting tracks shall in every case be first filed with and approved by the Commissioners of the District of Columbia: Provided further, That as to square southeast of square 267 and square 270 the Southern Railway Company (a railroad corporation of the State of Virginia, whose trains now move and are expected to continue to move to and from Washington over the tracks of the said Baltimore and Potomac Railroad Company and Washington Southern Railroad Company under agreements existing or hereafter to be made with the last-named companies granting the necessary right therefor) shall have the same rights of acquisition by purchase or condemnation, to be exercised under the same conditions, as are in this act provided for the acquisition of additional land by the Baltimore and Potomac Railroad Company; and such squares when so acquired may be used by said Southern Railroad Company to accommodate the handling and delivery of local freight traffic in the District of Columbia.*

So as to make the clause read:

In case the said Baltimore and Potomac Railroad Company can not, for any reason, agree with the owner or owners for the purchase, use, or occupation of any of the land it is authorized to acquire by purchase or condemnation, then the same may be acquired by the said company in the same manner and by the same procedure as are provided by sections 648 to 663, both inclusive, of the Revised Statutes, relating to the District of Columbia. And in case the company requiring such land and property wishes to take immediate possession of the same, etc.

Mr. PETTIGREW. Mr. President, I do not think this amendment ought to be agreed to. It seems to me it is a change of law, and an unusual change, one never tolerated, I believe, in any English-speaking community on the globe. This amendment to the bill provides that if this railroad company desire to acquire the property of a private citizen, they may file a bond at the time they give notice that they desire to use the property for railroad purposes and thereupon enter immediately upon the possession of the property. For instance, a person has a house—his only property—where he and his family reside, renting rooms for a living; and they can, under the provisions of this act, be immediately ousted from their home, immediately dispossessed of their residence and all means of income, without waiting for payment, if the railroad company will file a bond that they will pay the award of commissioners, and the persons thus ousted might be deprived of all power to protect themselves or defend themselves against the confiscation of their property, and the railroad company might keep the case in court for ten years, being in possession and using the property for railroad purposes all the time, the persons thus deprived of their home being left absolutely at the mercy of the corporation.

I know of no such provision in the laws of any State in the Union, and it seems to me remarkable if the Senate of the United States will set the example by the passage of such a law at this time. It is revolutionary, it seems to me, in its provisions, and can work great injustice.

I therefore hope the Senate will not adopt this amendment. I move to amend the amendment by striking out all after the word "Columbia," in line 20, page 15, down to and including the word "proceedings," in line 14 on page 16, which comprises the provision of which I complain.

Mr. McMILLAN. I see that the objection made by the Senator from South Dakota may have some weight, though I believe a similar clause has been put in other bills of this nature.

Mr. PETTIGREW. In this District?

Mr. McMILLAN. Not in this District, but in the States.

Mr. PETTIGREW. I never heard of it. I have had a great deal to do with such proceedings, and I never saw a provision like it before.

Mr. MCOMAS. In many of the States provision is made for giving bond and for proceeding to condemnation. That is the method in this District. I am not concerned about this bill, but this provision is proper.

Mr. PETTIGREW. But possession is not given.

Mr. McMILLAN. I will accept the amendment of the Senator from South Dakota to the amendment of the committee.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out of the amendment the following:

And in case the company requiring such land and property wishes to take immediate possession of the same, it may, at the time of filing a description of the rights and interests intended to be appropriated, as provided in section 650 of said Revised Statutes, file also with the clerk of the supreme court of the District of Columbia its bond to the owner or owners of such land and property to be appropriated, conditioned for the payment to such owner or owners of the damages for the taking thereof when the same shall have been ascertained according to the provisions of said sections of the Revised Statutes; and upon the filing of said bond, and the approval of the same by a judge of said court, the right of the company to enter upon the property to be appropriated shall be complete; and the amount of the bond, the sufficiency of the surety or sureties thereon, and the form thereof shall be subject to the approval of one of the judges of the said court, and recovery may be had thereon for the amount of the damages assessed if the same be not paid or can not be made by execution on final judgment in the condemnation proceedings.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 18, after line 20, to strike out the following:

SEC. 12. That the Secretary of War is hereby authorized and directed to cause to be constructed, within two years after the passage of this act, across the Potomac River at a point above the site of the present Long Bridge, a new and substantial bridge for highway travel, of iron or steel, resting upon masonry piers and provided with suitable approaches and with a sufficient draw, all in accordance with plans and specifications prepared under his direction and by him approved; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum of money equal to the cost of the new bridge which said Secretary of War is herein authorized and directed to cause to be constructed.

And to insert:

SEC. 12. That the Secretary of War be, and he is hereby, authorized to enter into a contract with the Baltimore and Potomac Railroad Company to construct within two years after the passage of this act, at a point not less than 500 feet above the site of the present Long Bridge, a new and substantial bridge for highway travel, of iron or steel, resting upon masonry piers and provided with suitable approaches, and with a sufficient draw, all in accordance with plans and specifications to be approved by the Secretary of War; and there is hereby appropriated (one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated) the sum of \$508,000, or so much thereof as may be necessary, to be paid from time to time, as the construction of the said bridge progresses, by the Secretary of War, under such regulations as he shall prescribe.

The said bridge shall be for highway traffic, and all street railroads chartered or that may hereafter be chartered by Congress shall have the right to cross said bridge on such reasonable terms as may be agreed upon between the companies or prescribed by Congress: *Provided*, That the street railroad now using the Long Bridge shall be permitted to change its location so as to cross the highway bridge herein provided for; all plans for such change to be approved by the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army: *And provided further*, That a standard underground electric system of street car propulsion shall be installed by said company on the park highway leading to said bridge, and that the cost of asphalt paving between the tracks and 2 feet outside thereof shall be paid by said company. Each street railway company using said bridge shall pay in addition to other taxes as by its charter provided, one-half of 1 cent for each and every passenger carried across said bridge.

The amendment was agreed to.

The next amendment was, on page 21, after line 10, to strike out the following:

ADDITIONAL LANDS FOR TRACKS.

SEC. 14. That in addition to the other rights and privileges of a similar character hereinbefore granted by this act, the said Baltimore and Potomac Railroad Company shall have and be possessed of the right, which is hereby granted and conferred, to occupy and use, for yard tracks and other corporate purposes, all that certain tract and parcel of land (part of a larger tract owned by the United States), situated in said District of Columbia, lying between what is known as the Washington Channel and the Main Channel of the Potomac River, 500 feet in width, parallel with and contiguous to, and on the southeasterly side of, the railroad of said company as now maintained and operated: *Provided*, That the said company shall so locate and construct and maintain its tracks, structures, and appurtenances on said parcel of land as at all times to afford and furnish ample and adequate passageways, and maintain the same, beneath its tracks and other structures at each end of said hereby granted parcel of land, and adjacent to each of said channels, for the use of vehicular and pedestrian traffic.

The amendment was agreed to.

The next amendment was, on page 22, after line 6, to insert:

SEC. 14. That the property occupied by the Baltimore and Potomac Railroad Company under authority of this act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia.

Mr. PETTIGREW. I wish to amend the bill on page 22 by striking out the remainder of that page, beginning with the word "*Provided*," in line 11, and the first two lines on page 23, ending with the word "subway," in line 2.

This is the provision exempting all the improvements of the company from taxation forever. I think the property occupied by the Baltimore and Potomac Railroad Company, under authority of this act, or the improvements which may be put thereon, should be subject to taxation by the District of Columbia the same as other property in this District. If my amendment is adopted, that will be the law. If my amendment is not adopted, then all the improvements they make will be exempt, their depot will be exempt, and it seems to me we should not pass a law which exempts forever from taxation all the improvements which this company may make. Under the provisions of this bill we are giving them the possession of streets, the possession of parks, and giving them great advantages in every way; and

this provision, it seems to me, is carrying the matter altogether too far.

Mr. TILLMAN. Will the Senator yield for a notice of no quorum?

Mr. PETTIGREW. I will.

Mr. TILLMAN. There is no quorum in the Chamber, Mr. President.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Fairbanks,	McComas,	Scott,
Bacon,	Foraker,	McLaurin,	Sewell,
Baker,	Frye,	McMillan,	Shoup,
Bate,	Gallinger,	Martin,	Simon,
Berry,	Hanna,	Money,	Stewart,
Caffery,	Hansbrough,	Penrose,	Sullivan,
Carter,	Harris,	Perkins,	Taliaferro,
Chandler,	Hawley,	Pettigrew,	Teller,
Clark,	Heitfeld,	Pettus,	Turley,
Clay,	Kenney,	Platt, Conn.	Vest,
Cullom,	Kyle,	Pritchard,	Wetmore,
Daniel,	Lindsay,	Quarles,	Wolcott,
Davis,	McBride,	Ross,	

The PRESIDENT pro tempore. Fifty-one Senators have responded to their names. A quorum is present. The Senator from South Dakota will proceed.

Mr. PETTIGREW. Mr. President, the amendment I offer is to strike out the following words from the bill:

Provided, That no assessment, valuation, or tax shall be made, laid, or levied on the Baltimore and Potomac Railroad Company on account of any bridges, tunnels, elevated structures, or subway which shall be located, constructed, or maintained under the authority of this act and forming part of said railroad in excess of that which would or could be lawfully made, laid, or levied if said railroad was wholly located and constructed on the surface of the ground; it being the true intent and meaning hereof that any such bridges, tunnels, elevated structure, or subway forming a part of said railroad shall be assessed and valued for purposes of taxation and taxed on the same basis as any other equal portion of railroad situated within the said District of Columbia not constructed on, in, through, or upon any such bridges, tunnels, elevated structure, or subway.

Under the provisions of this bill, as the committee has reported it, all the improvements made under it, if it shall become a law, will be exempt from taxation forever. I can see no good reason why such an exception should be made in the interest of this or of any other railroad company. The people who erect buildings in the city of Washington have to pay taxes upon them; but under this provision the depot the railroad company will build will be exempt from taxation.

Mr. GALLINGER. The Senator interprets this provision entirely differently from the way the committee does. The first five lines in italics provide specifically—

That the property occupied by the Baltimore and Potomac Railroad Company under authority of this act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia.

Mr. PETTIGREW. That is proper. I want to leave that in, and strike the other out.

Mr. GALLINGER. Beyond question that includes their railroad station. But what the committee has aimed to do, and what I think is absolutely fair and equitable, is that where this company, in this great improvement which they propose to make, costing a million dollars, shall build a bridge or a tunnel or a covered viaduct, as we require them to do, they shall pay simply the same tax that they would pay if it was on the surface of the ground; in other words, we will not tax that improvement which will cost a considerable amount of money, which the railroad company would be glad to get rid of if they could, but which we in this act insist they shall build, for the purpose of getting rid of these troublesome and long-discussed grade crossings.

I think the bill as it stands contemplates precisely that which is really proper and just, and that it should be passed in the language it now contains.

Mr. McMILLAN. I merely wish to add to what the Senator from New Hampshire [Mr. GALLINGER] has said that the intention is to leave the tax matter just the same as it is now. The tracks, instead of running on the surface of the ground, will be carried on this elevated structure, or else they will be depressed, as stated in the bill. The intention is not to tax those structures that are built purely for the purpose of getting rid of grade crossings. Those are structures for the benefit of the public primarily. The freight sheds, all the passenger sheds, stations, and every piece of real estate that the road holds under this bill, either by purchase or from the District, is to be taxed as other District property is taxed.

Mr. TILLMAN. I suggest to the Senator in charge of the bill that the only dubious words here that would be liable to misconstruction or to a ruling of a court hereafter are the words "elevated structures." "Elevated structures" is a very broad term, and might mean the depot with the lines of tracks coming in on the second story, as they do in Philadelphia and Baltimore.

Mr. PETTIGREW. And as they would here.

Mr. TILLMAN. And as they would here. If these words are

intended to mean simply the elevated portion of the track outside, raised above the street, in order to facilitate traffic without obstructing the travel on the streets, that is one thing, but under that broad, sweeping phrase "elevated structures," if the courts should construe it hereafter to mean that that would exempt the depot which would admit trains in the second story—and you can very readily see that it might be so construed—I think you had better change these words "elevated structures" or elaborate them so as to embrace the idea simply of the tracks.

Mr. McMILLAN. I have no objection to that.

Mr. TILLMAN. Then put in the word "tracks" instead of "structures," and then you leave the depot to be taxed under the first clause of the Senate amendment.

Mr. McMILLAN. To be taxed just as are the buildings and other real estate.

Mr. TILLMAN. If the Senator will permit, I will suggest striking out the word "structures" and putting in the word "tracks" in place of it.

Mr. McMILLAN. I will accept that amendment.

Mr. TILLMAN. I move that amendment, to insert the word "tracks" instead of the word "structures," wherever it occurs.

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. PETTIGREW. That improves the bill very much, Mr. President, and obviates a portion of the objection I had to it; but I still believe that we ought not to pass the section.

A railroad company in laying its tracks does that which is absolutely necessary in order to do its business; and in a city the elevation of its tracks is essential in order to properly do its business. So there ought to be a tax upon this property the same as other people's property is taxed. I believe it is bad legislation to make an exemption which shall exist for all time as a part of the consideration of this bill.

In other words, as an inducement to this company to elevate their tracks, we give parks, streets, and public property of vast value, and under a provision of this bill they are allowed to cross one principal park of the city with a dike 20 feet high. We give them the ground upon which to cross that park, and in addition to all this we propose to exempt their property and to make a different rule as to a railroad company from that we make as to anybody else. It seems to me it is bad legislation. I therefore desire a vote upon the amendment to strike out this provision, leaving the property of the company to be taxed as other property is taxed. Then the bill will read:

SEC. 14. That the property occupied by the Baltimore and Potomac Railroad Company under authority of this act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia.

In other words, the Government of the United States makes an appropriation, paying half of the expenses of the District of Columbia, and the property of the District pays the other half; and we will impose no very great burden upon this company under these circumstances, but we will get rid of a very bad piece of legislation, and thus avoid establishing a very bad precedent.

Mr. KENNEY. Mr. President, I am sure the Baltimore and Potomac Railroad Company and certainly the Committee on the District of Columbia had no idea that there would be any discrimination by the passage of this bill in favor of that company.

If the proposition of the distinguished Senator from South Dakota [Mr. PETTIGREW] should obtain here, that would impose a double tax. In other words, he would levy a tax upon the structures of the Baltimore and Potomac Railroad Company that are overhead or underground, and at the same time property owned by people abutting thereon would be taxed the same.

The fact is, Mr. President, that I think the Baltimore and Potomac Railroad Company—while I do not stand here as a champion of that company or of any other company—has been most liberal in its agreement with the Congress of the United States and with the District of Columbia as to what they are willing to do in order to improve the city of Washington and give to this city one of the most magnificent approaches and one of the best railroad stations in the world.

I believe, if Senators could understand what they have been sacrificing in the interest of this city, that even my distinguished friend from South Dakota would not stand up here and ask that his amendment be adopted. A station within one block of Pennsylvania avenue that will cost that company more than a million and half dollars certainly is some argument, or ought to be some argument, why the Congress of the United States should be most liberal with the company.

I do hope, under these conditions and upon the statements I have made, that the amendment of the distinguished Senator will be disagreed to.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from South Dakota [Mr. PETTIGREW].

The amendment was rejected.

Mr. GALLINGER. I understand that the word "structures" was stricken out from the section and the word "tracks" inserted.

Mr. McMILLAN. That occurs in three places in the section.

Mr. GALLINGER. Yes; it occurs in lines 14 and 21 on page 22, and in line 2 on page 23.

The PRESIDENT pro tempore. That change will be made wherever the word occurs in the section, if there be no objection. The Chair hears none.

Mr. PETTIGREW. Mr. President, I want to enter my protest against the passage of this bill, and for these reasons: The bill provides for elevating the tracks of the Baltimore and Potomac Railroad across the large park which extends from this Capitol through the Monument grounds to the Potomac River. This dike is to be about 20 feet high. The bill provides for the occupation of a large portion of this park in addition to that already occupied. I do not think we ought to take up any more of the public parks of this city for this purpose or any other purpose than that for which they were originally intended. I believe that this depot ought to be moved south of the park. That is near enough to the center of the city, and sufficiently convenient for the entire public. There is no possible good reason why the company should ever have occupied the location which they now hold.

The objection urged to moving this depot south of the park is that the railroad company will not do it; and we were told by the Senator from Delaware [Mr. KENNEY] a few moments ago that they are going to build a depot worth a million and a half dollars. It seems to be a matter of negotiation, and not only that, but it seems to be regarded by the Committee on the District of Columbia as a sort of gratuity on the part of the railroad company, a great and beneficent concession to the people of the United States, that this railroad company should be permitted to occupy the public parks and public streets, to take the property of the people and of the Government, and that we are powerless to do that which in our own judgment we really think ought to be done.

I remember very well as a part of the history of this city how a bill was passed through Congress many years ago appropriating two whole squares of the city for a market place; and I remember very well the inducement offered why this donation should be made. The bill contained a provision that the company receiving the donation of two blocks of ground should build a hotel better than any that had ever been built here. In accordance with magnificent plans splendid marble structures on the south side of Pennsylvania avenue between Seventh and Ninth streets were to be built for the accommodation of members of Congress and of the visitors to the capital on condition that two blocks of ground should be donated for a market place.

The market was built; the Government lost its title to two blocks of ground; the beauty of that portion of the avenue was decidedly marred; the hotel never appeared, and has not to this day. We are now asked to donate more blocks of ground, more streets, and more of this same magnificent park, and the inducement offered by the Committee on the District of Columbia is that the railroad company will build a depot worth a million and a half dollars! If the depot costs a million and a half dollars, it will be the property of the railroad company, and will enhance the value of all their property. It seems to me it is a poor argument to make in this body why the parks of this city should be marred by these unseemly structures.

The dike they propose to build across this park is to have one opening through it. It will cut the park absolutely in two, besides destroying the view. Therefore, Mr. President, I simply desire to enter my protest, as I have on all occasions, against appropriating for private purposes the parks and streets of this city any further and for any purpose.

Mr. TILLMAN. Mr. President, I have not read this bill because I have got so many other things to look after that I can not undertake to do more than discuss such a matter when it gets before the Senate on the report of a committee.

If the Senator be correct in declaring that the railroad company are going to build a bank or dike, as I understand him to mean, by raising the earth for the tracks to run on, and to only have one opening, what becomes of the danger of floods? Sometimes, when the Potomac overflows, will not that close the water up there and flood the whole region above? That is a very serious matter, it seems to me.

Mr. McMILLAN. That has been examined very closely by the engineers, and they think there will be no trouble.

Mr. TILLMAN. Which engineers—the engineers of the railroad, who are trying to get into the city, or the engineers of the Government, who are trying to protect the property?

Mr. McMILLAN. The engineers of the District of Columbia. This bill was prepared by the engineers of the District and was afterwards submitted to the engineers of the railroad. They have been working on it for three years. I do not think there are any difficulties of the kind the Senator suggests. The bill is very carefully guarded. There is a 200-foot avenue to go under the tracks on the Mall, whereas we now have to cross on a little bridge 40 feet wide.

Mr. TILLMAN. I can realize and understand the necessity for the railroad getting into this city, both for their own benefit and

the benefit of the people, and any reasonable bill which will give them the right of way and all that kind of thing, under such restrictions and conditions as will protect the public interest, of course almost any public-spirited man would be willing to vote for; but it occurs to me if they are going to obstruct the Mall and the view from there, and also the free passage of water, to get out of the city, it is a very serious matter. I thought they were going to build an elevated structure there out of iron, something like the elevated roads in New York and Jersey City, which would allow the free passage of air as well as of water, and the traffic besides.

Mr. McMILLAN. The embankment is to lead from the depot, and only for a short distance.

Mr. PETTIGREW. Then there is a dirt bank running clear across.

Mr. TILLMAN. How far? From the depot clear through?

Mr. McMILLAN. Through the Mall.

Mr. GALLINGER. It is a very short distance, and it is to be built, of course, on artistic principles so far as it can be. I will say to the Senator from South Carolina, if he will permit me, that we had before the committee some of the most distinguished engineers of the United States; not those of this railroad corporation. They went over all these details and were entirely satisfied that everything was safe, so far as the interests of the city are concerned, and we were largely governed by their judgment, of course.

Mr. TILLMAN. Well, Mr. President, I only threw out the remark I did on account of the statement made by the Senator from South Dakota, that you are going to build a dike there; and you can very readily see that if you are going to build a dike clear across the park to where the railroad is, you are going to put an obstruction there which ought not to be permitted.

Mr. DANIEL. I desire to make an inquiry as to the meaning and effect of section 3 of this bill, which says:

That in order to accommodate the increasing passenger, mail, express, and other traffic in the city of Washington the said Baltimore and Potomac Railroad Company shall have and be possessed of the right, which is hereby granted and conferred, to occupy and use, on the conditions hereinafter mentioned, that portion of the Mall lying between B street SW. and B street NW. as the southerly line of said B street NW. is hereinafter defined, and between the west line of Sixth street and a line drawn parallel therewith and 340 feet west thereof, and to erect and maintain thereon a station building and appurtenances, train sheds, and tracks and sidings in connection therewith suitable and adequate for the convenient accommodation of said traffic.

If we are to grant this railroad company the right to occupy the Mall or the public ground of the United States for putting up stations and laying their tracks, are we charging them anything for it? They say that they have an increasing passenger, mail, and express business, which, of course, is going to compensate them. I should like to know why it is that public ground is taken for this purpose and what the railroad company are to give in return.

Mr. McMILLAN. Mr. President, the Baltimore and Potomac Railroad Company are not asking for anything. We are asking them to do away with these grade crossings, on account of which the loss of life has been very great. We are trying to do away with crossings at grade in the District of Columbia. Lives are being sacrificed constantly. Only the other day a life was lost.

The Committee on the District of Columbia have been at work for many years trying to frame a bill satisfactory alike to the District, to the railroad, and to the property owners. As satisfactory a bill as can reasonably be hoped for has been presented. The cost to the railroad is about \$6,000,000.

Mr. DANIEL. Is that in the bill?

Mr. McMILLAN. That includes the bridge across the Potomac.

Mr. KENNEY. If the Senator from Virginia will read the language of section 3, at the bottom of page 4 and going over to page 5, I think he will find the matter he refers to is covered there.

Mr. McMILLAN. The bill is very carefully guarded. The railroad company are to spend a vast amount of money here, which will benefit the public generally, will improve the property in the southwest district, and it will be a great benefit to the city.

Mr. GALLINGER. If the Senator will permit me, in answer to a suggestion by the Senator from Virginia, I will venture to say that this traffic which is spoken of is largely Southern traffic, and that this great improvement is not for the Baltimore and Potomac Railroad so much as for the Southern railroads which converge here and which have now inadequate accommodations.

Mr. DANIEL. I am only asking why the United States is to pay for it.

Mr. GALLINGER. The committee made an investigation covering all of the great States of the Union, and we found it to be true that the great improvement that has recently been made in New York City, costing several million dollars, was half paid for by the railroad corporations and one-half out of the city treasury.

That is true in Boston likewise. It is true in a great many other cities from which we got statistics. We have felt that when

we compelled the railroad, as we are compelling them, to make this great improvement we should make a contribution out of the public Treasury, if you please, and out of the treasury of the District of Columbia, if you please, to meet them on equitable grounds to make certain that this great improvement shall be an accomplished fact.

I confess I was surprised when I came to examine the statistics concerning other cities as to the proportion that was paid out of the city treasuries for these improvements to abolish grade crossings, and I felt that what we did in this bill was not as liberal as the people of Boston and New York and Chicago and other great cities have done in this regard, but that it was probably about the proportion that we ought to contribute.

We have not undertaken to drive a sharp bargain with this corporation. They met us on what we thought was very generous ground, and it was a surprise to the committee that they were so gracious and so willing to spend these millions of dollars to meet the requirements of Congress, and we felt that we ought to treat them with a reasonable degree of consideration. I think the Senator, if he will examine the matter carefully, as the committee tried to do, will see that we are not giving up anything more than we ought to do if we expect to see this great work become an accomplished fact.

Mr. DANIEL. I am merely inquiring with a view to understanding the nature of the bill and what it is that the United States is expected to give and what it is to be given for. I should like to inquire how large is the area in the Mall which the railroad company is given the right by this bill to occupy?

Mr. McMILLAN. That part of the Mall which is occupied by the present station is about 110 or 120 feet wide. The tracks of the railroad now come in on Sixth street, and the purpose of this bill is to take them out of Sixth street and open that street to the public, and give the company about 180 feet more, making a strip of 280 feet on that portion of the Mall.

Mr. PETTIGREW. Three hundred and forty.

Mr. McMILLAN. Two hundred and eighty.

Mr. PETTIGREW. Three hundred and forty-three.

Mr. McMILLAN. Well, I do not remember the exact number of feet. That will leave about 100 feet on the west side for parking purposes, with, of course, Seventh street adjoining it.

It is also the purpose of the railroad company to widen B street, because it is narrow between Sixth and Seventh.

Mr. PETTIGREW. There is no provision in the bill for that.

Mr. McMILLAN. Yes; and to make a plaza about 75 feet wide, besides the extra width of the street, so as to have plenty of room around the depot. It is all provided for, I think, very carefully, and it will certainly be a vast improvement to the city.

Mr. PETTIGREW. Where is that provided for?

Mr. KENNEY. Mr. President, in connection with what the distinguished chairman of the committee has said I desire to say a word. There possibly has been no project of public improvement in the city of Washington which has received more attention than that of bringing the Baltimore and Potomac Railroad into Pennsylvania avenue or so nearly there as possible. The great amount of money that the company is willing to spend, the improvements it is willing to make, would be, I think, astonishing to most members of the Senate if they understood it as the members of the committee do.

I think there is no case of a railroad company, where the tracks of the company have been elevated or depressed, in any city of the Union where at least one-half of the expense of such elevation or depression was not paid by the city or State in which the railroad ran. In this case not 20 per cent of the expense is to be paid by the Government or by the District of Columbia. There have been most elaborate plans presented to the Committee on the District of Columbia, showing exactly what will be the condition when this project has been accomplished. I believe that Senators who would throw an objection against the passage of this bill or any part of it certainly do so because they are not informed as to what the result will be if the bill becomes a law and the Baltimore and Potomac Railroad Company shall carry out its contract.

Mr. TILLMAN. I notice on page 12 that the District of Columbia and the United States are themselves called on to bear a considerable amount of this expense. Just how much I can not determine without fuller examination.

The Senator from New Hampshire [Mr. GALLINGER] said a moment ago that this was largely in the interest of Southern traffic. Did I understand him to mean that this is a terminal which the railroads from the South, the Southern, the Chesapeake and Ohio, the Seaboard Air Line, and the Coast Line, will all jointly use?

Mr. GALLINGER. That is a fact.

Mr. TILLMAN. Is there a joint stock company or an arrangement between those Southern lines and the Pennsylvania, which owns the Baltimore and Potomac, I believe, by which this grand franchise, for it is a very great one, shall be for the benefit of those Southern lines, or is this a monopoly which we are granting

to the Pennsylvania road, so that it can charge what it pleases to the Southern lines that terminate in this city?

Mr. GALLINGER. I believe there will be a business arrangement between the Pennsylvania Railroad and the Southern lines, as there is now, and of course it is to the interest of the Pennsylvania Railroad, getting traffic from the South, to make a fair and liberal arrangement with those railroads.

Mr. SEWELL. Will the Senator from New Hampshire allow me?

Mr. GALLINGER. Certainly. The Senator from New Jersey knows more about it than I do.

Mr. SEWELL. Mr. President, this elevation of tracks has been an arbitrary measure of the Commissioners of the District of Columbia, backed up by the committees of both Houses. But the question of the control of the terminal, when it does come about, has already been settled among the different roads.

Mr. TILLMAN. I do not understand the Senator from New Jersey.

Mr. SEWELL. The question of the control of terminals has already been settled by an agreement among the different roads, by which they will each, regardless of the size of the railroad, have a voice in settling the expenses, which are to be divided pro rata according to business. There is nothing arbitrary; there is no monopoly. The Pennsylvania Railroad, I have no doubt myself, would give a good deal of money to-day to get rid of this arbitrary exercise of power, obliging them to spend about five and a half millions or six million dollars, as against a paltry contribution on the part of the Government and the District of Columbia of about \$2,200,000 in land, which has already been earned by that corporation during the last thirty years.

I wish to call the attention of the Senate to the facts. When this corporation came into the District of Columbia there was only one railroad company. While it has improved very largely, it was not very good at that time, but so great was the necessity for relief that when Colonel Scott, of the Pennsylvania Railroad, built the tunnels in Baltimore and came down here, he could have had the White House lot, if necessary, on which to put a station. That company has treated the District always fairly, and is simply now coming in to spend a large amount of money against the desire of the corporation, against what it considers its interests, because elevated structures are not paying structures in cities. Railroads can be operated on the ground very much cheaper. But they have conformed to the views of the District Commissioners, and particularly of the committee of the Senate of which my honorable friend, the Senator from Michigan, is chairman. He has taken three years to negotiate this matter. They have made up their minds to comply, but it is by no means a voluntary thing.

Mr. TILLMAN. I was merely trying to get at the status, because I realize that it is of great benefit to the traveling public to have these railroad facilities, and I realize also that it is of great benefit to the railroad to have the people travel over their line, and I realize also that it is of great benefit to the citizens of the District to get the tracks off the ground, because anyone who passes through that part of the city comes face to face very soon with a railroad track or a half a dozen tracks, and is kept out by the fenders which warn pedestrians and vehicles to stop, that a train is coming. It will be a great benefit to the city to get the tracks elevated, so that pedestrians and vehicles can pass underneath and not be subject to the danger of being run over and killed.

I merely wanted to know whether or not this grand improvement, which embraces facilities for handling all the through traffic from the South, is being put into the hands of the Pennsylvania people, with power in them to levy tribute from the feeders, so to speak, the four trunk lines that I have mentioned a moment ago which come across the Potomac River—the Atlantic Coast Line, the Seaboard Air Line, the Southern, and the Chesapeake and Ohio?

Mr. McMILLAN. I will answer the Senator by stating that on page 17 he will find that the Southern railroads are provided for. They are allowed the privilege of obtaining and purchasing property by condemnation. All the railroads from the South are parties to this bill. We are to build a new railroad bridge, with two or more tracks, for the greater accommodation of the Southern railroads, and this terminal property is to be used by all the railroads, each paying for the use of it a proper proportion. That is all provided for.

Mr. TILLMAN. This improvement, then, embraces the raising of the Long Bridge or the building of another structure there to accommodate the trunk lines I have mentioned, and then those trunk lines, when they get into the city, will only pay their pro rata share of the cost of this improvement and will enjoy equal facilities and opportunities with the Pennsylvania Railroad.

Mr. McMILLAN. Certainly.

Mr. TILLMAN. I will inform the Senator that the reason why I mentioned the matter is that I happen to know that one of the Southern railroads has been under the ban. Watermelons from my part of the country have been held up and refused to be re-

ceived by the Pennsylvania Railroad because one of the other railroads had ordered it not to do it, and I should like to see that everybody down that way has an equal show in this great improvement; and if the Senator assures me that is the condition, I shall have nothing further to say on the subject.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BALTIMORE AND OHIO RAILROAD.

Mr. McMILLAN. I wish to call up the bill (S. 2329) to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 2, line 25, after the words "District of Columbia," to insert the following proviso:

Provided, That no portion of any street shall be closed under authority of this act until said railroad company shall have secured control of the property abutting upon said portion to be closed, it being the intent hereof that no property owner shall be deprived of egress from or ingress to his property.

The amendment was agreed to.

The next amendment was, on page 3, line 17, after the word "property," to insert "including all of square No. 748;" so as to make the clause read:

From the south side of H street said lines shall run by a masonry viaduct of width sufficient for five tracks, but not exceeding in width 80 feet, with such turnouts and sidings to adjoining property as may at any time hereafter be constructed under the authority of this act, northerly along the middle of Delaware avenue to the north line of M street; thence northerly still in Delaware avenue, with five main tracks, but with the right to locate and construct sidings in Delaware avenue to and into adjoining property, including all of square No. 748, and crossing Florida avenue overhead by means of a two-span plate-girder bridge.

The amendment was agreed to.

The next amendment was in section 2, on page 4, line 10, before the word "switches," to strike out the comma and insert "and;" in line 11, before the word "necessary," to strike out "round-houses, shops, and other structures;" in the same line, after the word "proper," to strike out "for the accommodation of locomotives and cars for the conduct of its business or," and in line 17, after the word "city," to insert:

and to locate, construct, maintain, and operate roundhouses, shops, and other structures necessary or proper for the accommodation of locomotives and cars for the conduct of its business, at a point not nearer to Eckington than three squares easterly of the east end of the proposed "Y" on the Washington Branch.

So as to make the section read:

SEC. 2. That the said companies be, and each of them is hereby, authorized and empowered to locate, construct, maintain, and operate, outside of the city limits and south of T street, yard tracks and switches necessary or proper for the purposes of a freight yard, and also to locate, build, maintain, and operate, beyond the city limits, a branch track or "Y" for the passage of trains directly to and fro between the Metropolitan Branch and the Washington Branch without entering the city; and to locate, construct, maintain, and operate roundhouses, shops, and other structures necessary or proper for the accommodation of locomotives and cars for the conduct of its business, at a point not nearer to Eckington than three squares easterly of the east end of the proposed "Y" on the Washington Branch.

The committee reported an amendment to the amendment, in line 21, to strike out "three" and insert "two;" so as to read "two squares."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 4, line 23, after "Sec. 23," to strike out:

That to accomplish the purposes of this act the following-named streets and crossings north of Florida avenue, and outside of the city limits, shall be completely vacated, abandoned, and closed for public use, namely: Q street between Third street east and New York avenue extended; R street between Third street east and New York avenue extended; S street between Fourth street east and Sixth street east; the Brentwood road between S street and Florida avenue; Third street from the north line of Q street and Florida avenue; Fourth street between P street and S street; Fifth street between New York avenue extended and T street; Sixth street between New York avenue extended and S street; O street between Third street and Fourth street; P street between Third street and Fourth street; Quincy street and Randolph street east of the Baltimore and Ohio right of way, Metropolitan Branch; and Seaton street between said right of way and Sixth street east, it being the intention of this act to abandon and close all streets, place streets, roads, and alleys in Eckington north of Florida avenue and south of S street between the present tracks of the Metropolitan Branch Railroad on the west and Brentwood road on the east, and also the Brentwood road south of the south line of S street; S street between Fourth street and Sixth street, and Fifth street between S street and T street, but that.

And insert:

That to accomplish the purposes of this act the following-named streets in the subdivision of Eckington east of the right of way of the Metropolitan Branch of the Baltimore and Ohio Railroad Company shall be completely vacated and abandoned by the public and closed to public use, namely: Q, R, Third, Fourth, Fifth, and Randolph streets; S and Seaton streets west of Sixth street; and Sixth street south of S street. The Brentwood road shall also be closed between S street and Florida avenue.

The amendment was agreed to.

The next amendment was, on page 6, line 21, after the word "Commissioner," to insert the following proviso:

Provided, That M street may be crossed by a metal bridge instead of a masonry arch, if desired, in order to avoid any change in the grade of said street.

The amendment was agreed to.

The next amendment was, on page 7, line 4, after the word "street," to strike out "F street between First street and Massachusetts avenue;" so as to make the clause read:

The following-named streets within the city limits shall be completely vacated, abandoned, and closed, namely: N street, between Second street east and Third street east, and Delaware avenue shall be closed and abandoned between the south line of Florida avenue and the north line of M street; E street between First street and North Capitol street.

The amendment was agreed to.

The next amendment was, on page 7, line 17, after the word "avenue," to insert "and F street;" and in line 18, after the word "arches," to strike out "as shown on the said plan" and insert "in accordance with plans approved by the Commissioners of the District of Columbia;" so as to make the clause read:

It being the intention of this act that all streets, avenues, ways, and alleys within the area to be occupied and used for terminals and terminal tracks, as shown on said plan filed in the office of the Engineer Commissioner, shall be completely vacated, abandoned, and closed, and the use thereof and of any public reservation or street spaces of the United States within said area be granted to the said railroad company or terminal company constructing such terminals for the purposes of the same, except that Massachusetts avenue and F street shall be carried under said terminals by means of arches, in accordance with plans approved by the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 4, page 8, line 25, after the word "the," to strike out "District" and insert "city limits west of Second street east, and east of North Capitol street;" so as to make the clause read:

SEC. 4. That in addition to the main or terminal station or depot, to be located as hereinbefore provided, the Baltimore and Ohio Railroad Company, or the terminal company incorporated as provided in this act, may from time to time hereafter construct, establish, and maintain such additional stations or depots, for passengers or freight, as the company may deem necessary or useful in the conduct of its business, or for the accommodation of the freight and passenger traffic passing over the lines of railroad authorized by this act, at such point or points within the city limits west of Second street east, and east of North Capitol street, as the Commissioners of the District of Columbia shall approve.

The amendment was agreed to.

The next amendment was, in section 7, page 12, line 10, after the word "avenue," to insert "and west of the east line of Third street to said north line of New York avenue;" in line 17, after the word "city," to insert "and west of the east line of Third street;" on page 13, line 3, after the word "station," to insert "and of the Metropolitan branch for the continuation of Third street from Q street south to New York avenue, of an even width as north of Q street;" in line 11, after the word "yards," to insert "in or near Eckington;" in line 12, after the word "and," to insert "its;" and in the same line, after the word "roundhouse," to strike out "in or near Eckington, south of T street;" so as to read:

From and after the expiration of five years from the date of the passage of this act all rights of the Baltimore and Ohio Railroad Company to maintain and operate the present tracks of its Washington Branch Railroad within the limits of the city of Washington, and the present tracks of its Metropolitan Branch Railroad south of the northern line of New York avenue and west of the east line of Third street to said north line of New York avenue shall cease and determine; and the said railroad company shall thereupon, within such reasonable time as the Commissioners of the District of Columbia shall prescribe, remove all such tracks and structures connected therewith from the streets, avenues, public reservations, or other property of the United States within the said city and west of the east line of Third street. Said Baltimore and Ohio Railroad Company shall also immediately execute, acknowledge, and deliver to the Commissioners of the District of Columbia a deed, in due form of law, granting, conveying, assigning, and transferring to the United States of America all the estates, right, title, and interest that it, the said Baltimore and Ohio Railroad Company, has in, to, or out of the lands included within the limits of the roadway or right of way of the Washington Branch Railroad of said company from the west line of Second street to Winthrop Heights station and of the Metropolitan Branch for the continuation of Third street from Q street south to New York avenue, of an even width as north of Q street, subject, however, as to so much of said lands as lie north of Florida avenue and outside of the limits of the city of Washington, to the continued maintenance and use of the present tracks of said railroad company thereon, for the purpose of reaching its yard and roundhouse at Trinidad, until its new yard in or near Eckington and its roundhouse, etc.

The amendment was agreed to.

The next amendment was, on page 13, line 13, before the word "authorized," to insert "Ivy City."

Mr. McMILLAN. I ask the Senate to disagree to that amendment.

The amendment was rejected.

The next amendment was, on page 15, line 2, at the beginning of section 8, to insert the following:

That the property occupied by the Baltimore and Ohio Railroad Company, or by the proposed terminal company, under authority of this act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia.

So as to make the section read:

SEC. 8. That the property occupied by the Baltimore and Ohio Railroad Company, or by the proposed terminal company, under authority of this

act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia: *Provided*, That no assessment, valuation, or tax shall be made or levied on the railroad or terminals located, constructed, or maintained under the authority of this act in excess of that which would or could be lawfully made, laid, or levied if said railroad and terminals were so located, constructed, and maintained without the use of bridges, viaducts, retaining walls, and other structures necessary or properly employed to elevate the same as required by this act, it being the true intent and meaning hereof that the railroad and terminals hereby authorized shall be assessed and valued for purposes of taxation and taxed on the same basis as if the same were not constructed and maintained by means of such bridges, viaducts, retaining walls, and other structures.

The amendment was agreed to.

The reading of the bill was continued to line 25, page 18.

Mr. PETTIGREW. I move to amend the bill by striking out all after the word "Columbia," line 5, page 18, down to and including the word "proceeding," in line 25. It is the provision in regard to condemnation, which is a change of existing law.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The amendment will be stated.

The SECRETARY. In line 5, page 18, after the word "Columbia," strike out all of the bill down to and including the remainder of the section, as follows:

And in case the company requiring such land and property wishes to take immediate possession of the same it may, at the time of filing a description of the rights and interests intended to be appropriated, as provided in section 650 of said Revised Statutes, file also with the clerk of the supreme court of the District its bond to the owner or owners of such land and property to be appropriated, conditioned for the payment to such owner or owners of the damages for the taking thereof when the same shall have been ascertained according to the provisions of said sections of the Revised Statutes; and upon the filing of said bond, and the approval of the same by a judge of said court, the right of the company to enter upon the property to be appropriated shall be complete; and the amount of the bond, the sufficiency of the surety or sureties thereon, and the form thereof, shall be subject to the approval of one of the judges of the said court, and recovery may be had thereon for the amount of the damages assessed if the same be not paid or can not be made by execution on final judgment in the condemnation proceeding.

Mr. McMILLAN. The committee will accept that amendment.

The amendment was agreed to.

The next amendment of the Committee on the District of Columbia was, on page 19, to insert the following as an additional section:

SEC. 11. That the Baltimore and Ohio Railroad Company and the Terminal Company, incorporated as provided in this act, be, and they are hereby, authorized and empowered to locate, construct, maintain, and operate outside of the limits of the city of Washington a line of railroad with one or more tracks extending from a connection with the Washington Branch Railroad and with the railroad authorized by the foregoing sections of this act north of Winthrop Heights station by such route as the company may select as most practicable and to be approved by the Commissioners of the District of Columbia to a connection with the Baltimore and Potomac Railroad and with the said Baltimore and Ohio Railroad Company's Shepherds branch at or near Benning station; and in the location, construction, maintenance, and operation of the line of railroad authorized by this section the said companies may exercise all the authorities, rights, privileges, and franchises by this act conferred upon and vested in them in respect of the lines of railroad authorized by the foregoing sections of this act, outside of the limits of the city of Washington: *Provided*, That whenever in the construction of said line of railroad it shall be found necessary to cross any existing public highway of the District of Columbia the company shall submit to and file with the Commissioners of the District of Columbia proper plans showing the intended crossing, shall obtain the approval of the same by the said Commissioners, and shall construct such crossing only in conformity with such approved plan. Every such highway crossing shall be either over or under grade where practicable without increasing the grades on said railroad or causing unreasonable expense in construction; and for the purpose of avoiding grade crossings the Commissioners of the District of Columbia shall be fully authorized and empowered to change the grade of any such public highway so as to pass the same over or under said railroad, or to deflect or divert any such highway so as to pass over or under said railroad at a different point of crossing, and to close so much of the said highway as is abandoned; and the company shall acquire, by purchase or condemnation, at its own expense, all lands required to relocate such highways, and shall pay the cost of all new construction or work required to restore any such highway raised, depressed, deflected, or relocated as above provided, all of which construction and work shall be done to the satisfaction and subject to the approval of the said Commissioners.

The amendment was agreed to.

Mr. BUTLER. Mr. President, I had hoped that some day we would have a union depot in the national capital for all the railroads coming in and going out from here. It seems that with the passage of this bill and the one that has previously been passed that will be made impracticable in the future.

I should like to ask the chairman of the committee if they considered the advisability of a union depot and what are the obstacles in the way of securing such a depot before expending the vast amount of money which each company will have to expend to make these elevated tracks in different parts of the city and put up these elegant depots?

Mr. McMILLAN. Mr. President, all I can say is that such an attempt was made before I came to the Senate. There was a commission appointed to see what could be done in regard to bringing the two railroad companies together—that is, the Baltimore and Ohio and the Pennsylvania—and it was found to be an impossibility, the interests were so diverse, and in fact there were not accommodations for the tracks of both the great roads to come into the same depot, and it was given up as something that could not be accomplished.

The depot of the Baltimore and Potomac is to all intents and

purposes a union depot, with the exception of one line, the Baltimore and Ohio. In nearly every one of our cities there are two or more depots. It is almost impossible to get all the companies to agree to come into one station. As I stated, the attempt was made to do it and it failed. Since I have been on the committee I have talked with the officers of the railroad companies about it, but I found that there was no use in trying to bring them together.

Mr. BUTLER. Mr. President, in other cities where it is a pure matter of conference and agreement between separate railroads it may be impracticable in some cases, but why could it not be done here where Congress has practically if not absolutely the control of this matter? I do not understand why they can not be brought together here. Certainly Congress can say to them, "You must adjust your differences before we grant the privileges that you require, before the public land is granted for your purposes, and for the public convenience you must come together in one depot."

It certainly would mar the city less to have one line of tracks running out. The section of the city here to the northward is one of its most beautiful parts, but its beauty is destroyed, it is made worthless by those tracks. Nobody desires to live near those tracks nor to buy property there. The tracks are dangerous. Of course the danger will be removed by the elevation that is provided for, but that will not restore the beauty to this part of the city that would be much if the tracks were not there.

If we had a union depot down here at some point where it is practicable to get the lines together, there would really be less of the streets of Washington taken up with the tracks. Besides, there is the great convenience to the traveling public. I do not know whether our pneumatic-tube friends will ever invent a way of shooting a passenger and a trunk across from one depot to the other or not, but even if they did, our experience with them in other cities in regard to the mail would make a man who was not a millionaire tremble to think what it would cost to be shot from one depot to the other.

I suppose it is too late to do anything on this question, but I certainly regret to see legislation pass which makes it an impossibility practically in the future to have a union depot. I regret that the committee have not made another effort before bringing in these bills to secure an agreement between the roads, which it seems to me could have been brought about whether they were so inclined or not.

The PRESIDING OFFICER. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK DOUGLASS MEMORIAL.

Mr. McMILLAN. I ask the Senate to proceed to the consideration of the bill (H. R. 3597) to incorporate the Frederick Douglass Memorial and Historical Association.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, on page 5, after line 16, to insert the following section:

SEC. 8. That when the said corporation shall have acquired title in fee simple to the whole or a part, as the case may be, of the said property known as Cedar Hill, in the village of Anacostia, in the District of Columbia, and formerly occupied as the homestead of the late Frederick Douglass, said land and premises shall be, and hereby are, declared to be forever quit and free from all taxes or charges and assessments whatever, whether the same taxes or charges and assessments be general or special.

The amendment was agreed to.

The next amendment was, on page 5, after line 25, to insert the following:

SEC. 9. That the board of trustees of the Frederick Douglass Memorial and Historical Association be, and they hereby are, authorized and directed to charter and organize auxiliary associations in every county in every State of the Union and elsewhere to solicit funds and transmit the same to the treasurer of the said association to carry into effect the objects and purposes of the said association hereinbefore expressed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RELOCATION OF STREET RAILWAY TRACKS.

Mr. McMILLAN. I ask that the Senate proceed to the consideration of Senate bill No. 3205. It is only a few lines.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill (S. 3205) for the relocation of certain tracks of street railways in the District of Columbia. It authorizes the Commissioners of the District of Columbia, whenever the track or tracks of any street railway company in the District of Colum-

bia are, or shall be, located in any portion of any street, avenue, road, or highway which is 60 feet or more in width other than in the middle thereof, to require any of the companies to alter the location of any such track or tracks so that they shall be located in the middle of such street, avenue, road, or highway, under such penalties as are provided in the charter of the company or companies for violation of the provisions thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRIVILEGES OF SECOND-CLASS MAIL.

Mr. CLAY. I ask unanimous consent for the present consideration and passage of the bill (H. R. 10308) to extend to certain publications the privileges of second-class mail matter as to admission to the mails; to which there will be no objection. I do not think it can possibly occupy more than a minute.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent for the present consideration of the bill named by him, which will be read in full for the information of the Senate.

The bill was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. BUTLER. I move to amend, in line 5, after the word "agriculture," by inserting "and all official publications of State geological surveys or State bureaus of mines;" and in line 8, after the word "departments," by inserting "surveys and bureaus."

Mr. WOLCOTT. I should like to have the bill reported as it will read if amended as proposed.

Mr. ALLISON. That is a pretty important bill, and it will probably lead to some discussion. I understand it is a House bill.

Mr. CLAY. It is a House bill, and I do not think it will lead to any discussion.

Mr. ALLISON. If it does not lead to discussion, I shall not interfere with it.

Mr. BUTLER. I am in favor of the bill and do not desire to debate it.

Mr. WOLCOTT. I ask that the bill may be read as it will stand if the amendment be adopted.

The PRESIDENT pro tempore. The bill will be read as it is proposed to be amended.

The Secretary read as follows:

Be it enacted, etc., That all periodical publications issued from a known place of publication at stated intervals as frequently as four times a year by State departments of agriculture and all official publications of State geological surveys or State bureaus of mines, shall be admitted to the mails as second-class mail matter: Provided, That such matter shall be published only for the purpose of furthering the objects of such departments, surveys, and bureaus: And provided further, That such publications shall not contain any advertising matter of any kind.

The PRESIDENT pro tempore. The question is on the amendments submitted by the Senator from North Carolina [Mr. BUTLER.]

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill of the Senate (S. 2344) granting a pension to Alice V. Cook.

HOOR OF MEETING.

Mr. ALLISON. I ask unanimous consent that on Monday next and during the week the Senate meet at 11 o'clock a. m., instead of 12 o'clock m.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that, commencing on Monday next and during the week, the Senate meet at 11 o'clock. Is there objection?

Mr. PETTIGREW. I object, Mr. President. I do not object to meeting on Monday at 11 o'clock, but I object to making that order for all the days of the week thereafter.

Mr. ALLISON. Then I ask unanimous consent that the Senate meet at 11 o'clock on Monday and Tuesday next. I hope the Senator from South Dakota will agree to that.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that on Monday and Tuesday next the Senate meet at 11 o'clock a. m. Is there objection? The Chair hears none, and it is so ordered.

SECOR & CO. AND OTHERS.

Mr. STEWART. I move that the bill (S. 271) for the relief of Secor & Co., Perrine, Secor & Co., and the executors of Zeno Secor be recommitted to the Committee on Claims. I desire to have the bill recommitted and to refer it for a finding of the facts to the Court of Claims.

Mr. ALLISON. I would not do all that now if I were the Senator, but I am perfectly willing that the bill shall be recommitted.

Mr. STEWART. I move, then, that the bill be recommitted to the Committee on Claims.

The motion was agreed to.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE GREENE.

Mr. ALLEN. I desire to give notice that on Saturday next at 4 o'clock in the afternoon, I shall call up the resolutions from the House of Representatives commemorative of the life of the late Representative WILLIAM L. GREENE, of the State of Nebraska.

CONSIDERATION OF PENSION BILLS.

Mr. ALLISON. The Senator from New Hampshire [Mr. GALINGER], the chairman of the Committee on Pensions, appeals to me to allow him a little time on Monday morning for the consideration of unobjected pension bills on the Calendar, which I shall be glad to do, and I give that notice now.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the Senate proceed to the consideration of the sundry civil appropriation bill for a little while this afternoon.

Mr. WOLCOTT. I should like to ask the Senator what his idea of "a little while" is?

Mr. ALLISON. Until the Senate is tired.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Iowa, that the Senate proceed to the consideration of what is known as the sundry civil appropriation bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11212) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Massachusetts [Mr. LODGE] to the amendment of the Committee on Appropriations in relation to the Bureau of Immigration.

Mr. ALLISON. I ask unanimous consent that that amendment may be passed over for the present, in order that I may have an opportunity of consulting with the Senator from Nebraska [Mr. ALLEN] and the Senator from Massachusetts [Mr. LODGE] in regard to it.

The PRESIDENT pro tempore. The amendment will be passed over, in the absence of objection.

The reading of the bill was resumed at line 11, on page 65, with the clause making appropriations for "compiling the customs laws of the United States." The next amendment of the Committee on Appropriations was, on page 65, after line 21, to insert:

Office of recorder of deeds, District of Columbia: The salary of the deputy recorder of deeds of the District of Columbia shall hereafter be \$2,000 per annum, to be paid out of the fees and emoluments of the office of the recorder of deeds.

The amendment was agreed to.

The next amendment was, under the subhead "Quarantine service," on page 66, after line 10, to insert:

For establishment and maintenance of quarantine service in the Territory of Hawaii under the provisions of section 97 of an act to provide a government for the Territory of Hawaii, approved April 30, 1900, \$100,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Prevention of epidemics," on page 67, line 4, after the word "force," to insert "the same to be immediately available;" so as to make the clause read:

The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera, yellow fever, smallpox, bubonic plague, or Chinese plague, or black death, to use the unexpended balance of the sums appropriated and reappropriated by the sundry civil appropriation act approved June 4, 1897, and \$500,000 in addition thereto, or so much thereof as may be necessary, in aid of State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same; and in such emergency in the execution of any quarantine laws which may be then in force, the same to be immediately available.

The amendment was agreed to.

The next amendment was, on page 67, after line 4, to insert:

TERRITORY OF HAWAII.

For salaries, namely: Governor, \$3,000; secretary, \$3,000; chief justice, \$5,500, and 2 associate justices, at \$5,000 each; in all, \$25,500.

For judges of circuit courts, at \$3,000 each, so much as may be necessary, and also for the remainder of the fiscal year 1900.

For contingent expenses of the Territory to be expended by the governor for stationery, postage, and incidentals, \$500, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 67, after line 15, to insert:

SETTLEMENT OF CERTAIN STATE CLAIMS.

The Secretary of the Treasury, the Secretary of War, and the Attorney-General are hereby fully authorized and empowered to compromise, adjust, and finally settle with the governors, respectively, of the States herein named, or with such person or persons as may be authorized by the laws of said several States to act in their behalf in making the several settlements herein provided for, such settlements to be made upon such terms and conditions as to them may seem just and equitable, subject to approval by Congress as hereinafter provided, and said compromises, adjustments, and settlements to be made by said Secretary of the Treasury, Secretary of War,

and Attorney-General with the following States, namely: Virginia, Delaware, Pennsylvania, and New York, for and on account of advances and expenditures made by said States in the war of 1812 with Great Britain now in dispute; with the State of South Carolina for and on account of advances and expenditures made by said State in the war of 1812 with Great Britain, now in dispute, and also on account of money expended by said State for military purposes in the Florida war of 1836, 1837, and 1838, now in dispute, and as against Virginia and South Carolina the claims of the United States on account of principal and interest of the unpaid bonds of said States, respectively, due to the United States and held in its own right or in trust by the United States; and with the States of California, Oregon, and Nevada for and on account of advances and expenditures made by said States in the war of the rebellion and claimed to be due them, being the claims and demands made by said States of California, Oregon, and Nevada and now on file and particularly described and mentioned in Senate Report No. 544, part 2, second session Fifty-fifth Congress. And any compromise or settlement they may make with the said States, respectively, shall be fully reported to Congress for its future further action, stating the amounts, if any, which should be paid by the United States to any of said States and the amounts, if any, which should be paid by any of said States to the United States. And the Secretary of the Treasury is hereby directed to suspend until further action of Congress any act or proceeding which he has taken under provisions of section 4 of the act approved March 3, 1899, entitled "An act to amend an act entitled 'An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain,'" as respects the States of Virginia and South Carolina.

Mr. ALLISON. That amendment relating to the "settlement of certain State claims" is a long one, and probably will give rise to some debate. I ask that it be passed over.

Mr. STEWART. To that amendment of the committee I will offer an amendment, and I ask to have it printed.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie upon the table.

Mr. PETTIGREW. I also have an amendment to that paragraph. Why not take it up now and dispose of it?

Mr. BERRY. I hope the Senator will not insist on disposing of that amendment at this time.

Mr. PETTIGREW. Very well.

The PRESIDENT pro tempore. The amendment intended to be proposed by the Senator from South Dakota [Mr. PETTIGREW] will be received, printed, and lie upon the table.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Public buildings," on page 70, after line 8, to strike out:

Hereafter fuel shall be delivered to the two wings of the Capitol only during such hours and under such regulations as the Architect of the Capitol shall prescribe.

The amendment was agreed to.

The next amendment was, on page 70, after line 11, to insert:

To provide flags for the east and west fronts of the center of the Capitol, to be hoisted daily under the direction of the Capitol police board, \$100, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 70, after line 15, to insert:

For continuing the work of cleaning and repairing works of art in the Capitol, including the repairing of frames, under the direction of the Joint Committee on the Library, \$1,500.

The amendment was agreed to.

The next amendment was, on page 70, after line 19, to insert:

Steam heating and machinery, Senate wing: For necessary repairs and improvements of the steam heating and ventilating apparatus in the Senate wing of the Capitol, including the Supreme Court, legislative bell service, and elevators, under the supervision of the Architect of the United States Capitol, \$3,285.

The amendment was agreed to.

The next amendment was, on page 71, after line 2, to insert:

Ventilation, Senate wing: For special repairs to and care of ventilating machinery in the Senate wing of the Capitol, including recording and testing apparatus for air, \$500.

The amendment was agreed to.

The next amendment was, on page 71, after line 6, to insert:

Maltby Building: For anchoring the elevator walls to secure them from spreading, \$150.

For construction of new elevator shaft of steel framework with terra-cotta fireproofing, new elevator car, and inclosing doors to the several landings, including shoring up of floors and stairways during construction, and other expenses incident thereto, \$6,000.

For changes and improvements in the water supply and fire protection at the Maltby Building, \$1,431.50.

The amendment was agreed to.

The next amendment was, under the subhead "Expenses of the collection of revenue from sales of public lands," on page 72, line 18, after the word "dollars," to insert the following proviso:

Provided, That no expenses chargeable to the Government shall be incurred by registers and receivers in the conduct of local land offices except upon previous specific authorization by the Secretary of the Interior.

Mr. ALLISON. I wish to modify the amendment by striking out the words "Secretary of the Interior" and inserting "Commissioner of the General Land Office."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment, after the words "by the," at the end of line 21, by striking out "Secretary of the Interior" and inserting "Commissioner of the General Land Office."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 75, after line 14, to insert:

Transcripts of records and plats, General Land Office: For furnishing transcripts of records and plats, to be expended under the direction of the Secretary of the Interior, \$5,000: *Provided*, That copyists employed under this appropriation shall be selected by the Secretary of the Interior at a compensation of \$2 per day while actually employed, at such times and for such periods as the exigencies of the work may demand.

Mr. ALLISON. I move to amend the amendment, in line 18, before the word "thousand," by striking out "five" and inserting "ten;" so as to read "\$10,000."

The amendment to the amendment was agreed to.

Mr. ALLISON. I move to further amend the paragraph by adding the proviso which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add to the committee amendment, at the end of line 22 on page 75, the following:

Provided further, That this appropriation shall be immediately available for the employment of copyists under the direction of the Secretary of the Interior, at the rate of compensation named herein, for the purpose of reproducing from the records of the General Land Office the official records of the district land offices at Lakeview, Oreg., and Miles City, Mont., which were destroyed by fire May 23 and 24, 1900, respectively.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 75, after line 22, to insert:

Payment of fees, etc., General Land Office: For the payment of revenue stamps, notarial and recording fees on reconveyances of land to the United States, \$500.

The amendment was agreed to.

The next amendment was, at the top of page 76, to insert:

Mineral lands in Montana and Idaho: To complete the examination and classification of certain lands within the land grant and indemnity land grant limits of the Northern Pacific Railroad Company in the Helena and Missoula land districts in the State of Montana and in the Coeur d'Alene land district in the State of Idaho, with special reference to the mineral or nonmineral character of such lands, as authorized by the act of February 26, 1895 (28 Stats., 683), namely: For the compensation of the commissioners, not exceeding fifteen in number, to be appointed by the President, by and with the advice and consent of the Senate, such compensation not to exceed \$6 per day for each commissioner while actually engaged in the performance of their duties, which amount shall include their transportation and subsistence expenses; also for the publication of monthly reports and for the payment of such clerical help as in the opinion of the Commissioner of the General Land Office may be necessary for the expeditious and economical prosecution of the work, \$25,000: *Provided*, That hereafter each commissioner shall act separately, and only one commissioner shall examine and report on any tract of land, and his examination and report shall have the same force and effect as if made by three commissioners, and under this appropriation the entire work of examination and classification, including the publication of notices and all other expenses therewith connected, shall be completed.

Mr. ALLISON. The Senator from Montana [Mr. CARTER], who is interested in this amendment, is absent in the Committee on Appropriations room engaged on the deficiency appropriation bill. So I ask that the amendment may be passed over for the present.

Mr. PETTIGREW. I wish to make a point of order against the amendment.

Mr. ALLISON. The Senator will have his right to do so.

Mr. PETTIGREW. If it is passed over and I am not present, I wish to be notified, so that I can make the point of order against the amendment.

Mr. ALLISON. I will see that the Senator has an opportunity of doing that.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead of "Surveying the public lands," on page 78, line 20, after the word "select," to insert "or by such competent surveyors as he may authorize the surveyor-general to select;" so as to read:

And of the sum hereby appropriated there may be expended such an amount as the Commissioner of the General Land Office may deem necessary for examination of public surveys in the several surveying districts, by such competent surveyors as the Secretary of the Interior may select, or by such competent surveyors as he may authorize the surveyor-general to select, in order to test the accuracy of the work in the field, etc.

The amendment was agreed to.

The next amendment was, on page 80, line 7, after the word "including," to strike out "the expense of an examination of the survey in the field, the rate of compensation per mile to the surveyor to be fixed by the Secretary of the Interior, the same to include;" so as to make the clause read:

For the ascertainment, survey, marking, and permanent establishment of the boundary line between the State of Utah and the Territory of Arizona, being that portion of the parallel of 37° of north latitude lying between the thirty-second and thirty-seventh degrees of longitude west from Washington, an estimated distance of 277 miles, including the cost of the preparation of the plats and field notes of the survey in triplicate, \$22,800.

The amendment was agreed to.

The next amendment, was at the end of the same clause, on page

80, line 12, after the word "dollars," to insert "said survey to be made by the Coast and Geodetic Survey."

Mr. CLARK. Mr. President, I should like to ask the Senator in charge of the bill, the chairman of the Committee on Appropriations, what is the object and purpose of this amendment?

Mr. ALLISON. Does the Senator refer to the words proposed to be inserted which are in italics?

Mr. CLARK. The amendment in italics and the amendment striking out the House provision in lines 7, 8, 9, and 10 of the bill.

Mr. ALLISON. The portion of the House bill stricken out by the amendment not in italics has been agreed to. The object of the amendment is to have an accurate and careful triangulation of this boundary, rather than to have it done by a surveyor who may not have the opportunity or the necessary instrumentalities to make an accurate survey.

Mr. CLARK. Mr. President, I perhaps have a wrong idea of these matters, but for all practical purposes in the State represented by the chairman of the committee and in the other great public land States, the accuracy of the surveys by the Land Department have never been questioned; and it seems to me that the Interior Department is fully qualified at this time to proceed with its own surveys. So far as I know or am informed there has been but one line run by the Coast and Geodetic Survey. That is the line, if I am correct—and if I am not, the Senator will correct me—of the eastern boundary of California, the diagonal line running about two-thirds of the way up the State from southeast to northwest. I am further informed that that line, while perhaps accurate, has not given the benefit to the country it was supposed it would give; in other words, that line was not tied in any point or in any place to prior surveys made by the Land Department that has in charge the control and the disposal of the public lands of the United States.

Why we should go into the Treasury Department to get a survey of lands which are under the control of the Interior Department is something that I am unable, in my ignorance perhaps, to understand or comprehend. But I do see some difficulty. I have seen, as other Senators from the West have seen, the difficulty of taking the public-land system of this country out of the Department that has been charged with it and out of the Department to which it properly belongs. I have heard no complaints of the accuracy of the surveys that have been made by the Interior Department—I doubt if we shall hear any—and I have no question but that the Interior Department is fully as capable, with the men at its command, to run this line between the Territory of Arizona and the State of Utah as the Coast and Geodetic Survey.

It will occur to Senators that the Coast and Geodetic Survey has already reached out and has taken from the Navy Department the survey of the islands which we have acquired. It, like certain other departments of this Government, is inclined to reach out and take in everything that it can get. We in the West have had some trouble with other departments or bureaus of the Government. We have had trouble with the Geological Survey. In the goodness of our hearts we turned over to the Geological Survey two years ago all of our forest reserves. We turned over to the Geological Survey the survey of those forest reserves. We gave them a million dollars in hard cash to make them, and so far as I know not a line has been run, although the money perhaps has all been expended. But the consequence of turning this over from the Land Department and the Interior Department of this Government—I speak of my own State—is that its development had been almost stopped, and there are railroads now seeking entrance into my State that were absolutely debarred from building a line into one of the best agricultural districts of the Rocky Mountains by the neglect of this same Geological Survey.

I believe that the Land Department of this Government, the Interior Department, is fully qualified to make this survey. The Senator says we want one scientifically made; that we want it made by people who are competent to make a survey. The Senator is surely aware of the fact that in the Interior Department are competent engineers and surveyors. He is surely aware of the fact that upon appropriation bills of which he has had charge we have appropriated for the Land Department for the choicest instruments for surveying that any Department of this Government has, and it seems to me the Senate ought to hesitate before it turns over to the Treasury Department work for which the Treasury Department officials will have to report to the Interior Department. I hope the amendment will not be adopted.

Mr. ALLISON. I ask that the amendment may be passed over for the present. This has no relation to the public lands. It is the survey of the boundary between a State and a Territory. I ask that it may be passed over for the present.

Mr. HANSBROUGH. I have an amendment to offer to come in after line 13, page 80. I will ask the Senator if he is willing to have it considered at this time, or whether he prefers that it shall go over?

Mr. ALLISON. Will the Senator withhold it? Has the amendment been printed?

Mr. HANSBROUGH. No.

Mr. ALLISON. Will the Senator allow it to be printed?

Mr. HANSBROUGH. I will offer the amendment, and let it be printed and lie on the table.

The PRESIDENT pro tempore. The amendment offered by the Senator from North Dakota will be printed and lie on the table. The question is on agreeing to the amendment of the committee.

Mr. ALLISON. I ask that it may be passed over for the present.

The PRESIDENT pro tempore. Without objection, both amendments will be passed over for the present.

Mr. TILLMAN. I know the Senator from Iowa is anxious to get this bill finished so far as the reading goes, and I would not delay it for a moment except that it is very opportune for me to make a brief statement in connection with the General Land Office and the Interior Department in connection with the public lands and the surveying thereof, and I ask the attention of the Senator from Wyoming.

He has just a moment ago said some very complimentary things about the surveying department of the General Land Office in connection with the public lands. I will relate an incident that came under my observation to illustrate what I think of the status in that department. In 1858 or 1859 a gentleman from my State entered two small tracts of land in Florida, two quarter sections, I think.

He paid his money, got his receipt, but he did not get his patent. He has been trying for the last fifteen years, by correspondence of one kind and another, to get either his money back or to get a title, and I have in the last three years made two or three visits to the Land Office. I have gone from one department of it to another, tracking about, and hunting up this clerk and that chief of a bureau or department, etc.; and I have had half a dozen letters; and if there is a circumlocution office under the sun, it is the General Land Office. That gentleman can not get his money and he can not get his title, and the excuse that is given is that the surveyor-general of Florida has never yet decided whether that land is in the old Spanish grant that was made to a man named Arredondo or outside. They have had that land surveyed, or pretended to have had it surveyed, and they have paid money to have it surveyed at least three times, and the survey has been rejected because of its imperfections. The condition right now is that this man, forty years ago having paid money to the United States, can not get a title because of the incapacity or the laziness or the indifference of the Land Office.

Mr. CLARK. If the Senator from South Carolina will send for a Wyoming surveyor, or any man who is surveying under the Government in the Rocky Mountains or any of the public-land States, he will get a survey that will stand the scrutiny even of the Public Land Office.

Mr. TILLMAN. I am not complaining of the inefficiency of the work in the West. I suspect they are doing it admirably out there. I am only speaking about the Land Department and the incompetency and the laziness and the indifference with which I have been treated. After making as many demands as I have, and after visiting and begging, and after making almost a nuisance of myself in that department, I can not get anything done. I think we had better take it away from there and give it to somebody else.

Mr. HANSBROUGH. I will ask the Senator from South Carolina if there is not some question as to title?

Mr. TILLMAN. Not a bit. They acknowledge the receipt of the money, and have his name on file as having paid the money at the Gainesville land office in 1858. There is no question of title or of his identity. It is a question of not surveying this old Spanish grant to see whether the land is inside or out of it, and they will not do it.

Mr. CLARK. Just one word, as the Senator from South Carolina addressed his remarks to me. We are all aware of the fact that a great deal of confusion has existed in this country, both in the South and West, from the adjustment of Spanish land grants. We are all aware further that a Government survey, in order to be accurate, must be anchored to some base line or meridian.

Mr. TILLMAN. The Senator well knows that the Florida lands have all been surveyed, and they have been platted, and the townships and all the base lines and everything connected with them are all accurately laid down, both on the ground and on the map. But this land happens to be near the border of this old Spanish grant, and there is some hitch about it in some way or other. I can not explain it fully. I know this: I have gone there, I have written there, I have importuned and begged and plead to have this man's money returned to him or that he be given title; and they will not do either.

Mr. CLARK. The Senator surely is aware of the fact that there is no authority of law for the Land Department to refund any money.

Mr. TILLMAN. There is authority for them to have the surveyor-general survey something or quit drawing money for it.

Mr. CLARK. The Senator is surely aware of the fact that no money can be refunded except by a special act of Congress.

Mr. TILLMAN. Yet here are three or four hundred thousand dollars appropriated in bulk for surveys, and they are under the direction of the Secretary of the Interior and of the Commissioner of the General Land Office, and the money is appropriated for specific work that is necessary to locate the public lands. This is an abuse. I am not undertaking now to interfere with anything the Senator wants done out yonder. I am merely bringing the attention of the Senate to the fact that here is a special case in which I have endeavored three or four times in person, and, as I say, a half a dozen times by letter, to get my constituent his money back or title, and they will not do either.

Mr. CLARK. If, as the Senator states, a citizen of Florida or any other place has got money in the Treasury of the United States that rightfully belongs to him, if the matter is brought to the attention of the proper committee of Congress I have no doubt the money will be refunded; but the Interior Department and the Land Department ought not to be censured in the Senate of the United States or elsewhere for not doing that thing which they have no authority of law to do. That is all I have to say. They have no authority to refund the money. The Senator knows it, and yet he is complaining.

Mr. TILLMAN. They have authority to survey the land. It has been ordered surveyed three or four times, and they have stated to me that they have rejected the survey on the ground that it was not properly done; and yet they have taken money for this land.

Mr. CLARK. The Senator wants to get some new surveyors down there.

Mr. TILLMAN. Either some new surveyors or bad ones, and give this man his money back or his title.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "United States Geological Survey," on page 81, line 13, to increase the appropriation for topographic surveys in various portions of the United States, from \$240,000 to \$250,000.

The amendment was agreed to.

The next amendment was, on page 81, line 24, to increase the appropriation for chemical and physical researches relating to the geology of the United States, from \$7,000 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 82, line 15, to increase the appropriation for gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid sections, etc., from \$50,000 to \$100,000.

Mr. WOLCOTT. I suggest that the amendment go over with the other amendment.

Mr. ALLISON. I agree that it may go over.

The PRESIDENT pro tempore. The two amendments?

Mr. ALLISON. The two paragraphs.

Mr. WOLCOTT. The two paragraphs.

Mr. BUTLER. I have an amendment that I want to offer to that paragraph, and I trust the Senator when he calls it up will let me know. I have been sitting here all the afternoon to offer an amendment to that paragraph.

Mr. ALLISON. Undoubtedly I will. The reason why I ask that it may be passed over is that there are some Senators who think the provision of the House ought to stand. There are other Senators who think it ought to be more largely increased.

Mr. BUTLER. I am one of those.

Mr. ALLISON. I have no doubt the Senator is one of those.

Mr. WOLCOTT. I hope the Senator from Iowa does not think I am one of them. I think it ought to go out altogether.

Mr. ALLISON. I did not intend to include the Senator from Colorado.

Mr. WOLCOTT. The Senator from North Carolina and the Senator from Iowa and I can probably arrange to present our motions at the same time and reach perhaps some conclusion upon it.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 82, line 24, to increase the total appropriation for the United States Geological Survey from \$802,100 to \$865,100.

Mr. GALLINGER. This amendment ought to go over, too.

Mr. ALLISON. I ask that the amendment, which is a total, embracing the amendment which has already been passed over, may be passed over.

The PRESIDENT pro tempore. It will be passed over.

Mr. CLARK. By the consent of the chairman I offer an amendment, which I ask may be printed and lie on the table.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

The reading of the bill was resumed. The next amendment of

the Committee on Appropriations was, under the head of "Expenses Twelfth Census," on page 83, line 7, after the word "expended," to insert:

Including \$2,500 per annum to the appointment clerk, which sum is hereby fixed as the annual salary of the office.

So as to make the clause read:

For salaries and necessary expenses for taking and compiling the results of the Twelfth Census, in accordance with the act of March 3, 1899, providing for the Twelfth and subsequent censuses, and amendments thereto, \$9,000,000, to continue available until expended, including \$2,500 per annum to the appointment clerk, which sum is hereby fixed as the annual salary of the office.

The amendment was agreed to.

The next amendment was, on page 84, line 5, before the word "and," to strike out "For construction of bridges and trails and improvement of roads" and insert "For protection of the park, and the construction and repair of bridges, fences, and trails, and improvement of roads;" and in line 7, before the word "thousand," to strike out "four" and insert "twenty-five;" so as to make the clause read:

Improvement of the Sequoia National Park: For protection of the park, and the construction and repair of bridges, fences, and trails, and improvement of roads; and for providing a water supply for the cavalry camp, to be expended under the supervision of the Secretary of the Interior, \$25,000.

The amendment was agreed to.

The next amendment was, on page 87, after line 5, to insert:

For the purchase, in the discretion of the Secretary of the Interior, at a total cost not exceeding \$210,000, of not less than 140 acres of land adjoining the present building site, \$210,000: *Provided*, That if said amount of land can not be purchased for said amount or for a less sum, the amount herein appropriated shall be applied to the construction of buildings for special classes of patients on the present grounds of the hospital, suitable for the extension as herein proposed.

Mr. ALLISON. I ask that this amendment and the one immediately following may be passed over.

Mr. GALLINGER. I was about to ask the chairman of the committee to have these amendments passed over, and I want to give notice that unless I change my mind I shall make a point of order against the amendments.

The PRESIDENT pro tempore. The amendments will be passed over.

Mr. PETTIGREW subsequently said: I should like to know what was done with the amendment on page 87 in regard to the purchase of land?

The PRESIDENT pro tempore. It was passed over.

Mr. ALLISON. It was passed over.

Mr. PETTIGREW. That is what I wanted to have done with it.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 87, after line 15, to insert:

That the subdivision of Pencote Heights, in the District of Columbia, be, and the same is hereby, revoked and annulled.

The PRESIDENT pro tempore. At the request of the Senator from Iowa, the amendment will be passed over.

Mr. MCOMAS. I offer an amendment to be inserted in the bill, which I ask to have printed and lie on the table.

The PRESIDENT pro tempore. That order will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 88, line 10, after the word "specified," to strike out "upon lands already owned by the Government, or upon such suitable lands as may be donated to the Government within the District of Columbia for that purpose;" so as to make the clause read:

The board of visitors and the superintendent shall prepare plans, specifications, and estimates for an extension of the hospital sufficient to provide for 1,000 patients. Said extension shall be of fireproof construction, and suitable for all special classes of acute insanity. Said plans shall include all necessary domestic buildings and all buildings required for the proper care of 1,000 patients and the requisite nurses and employees, and shall be approved by the Secretary of the Interior. The total cost of all the buildings, machinery, and equipment, including heating, lighting, sewerage, and water supply, under said plans shall not exceed \$975,000, within which sum and under such plans the Secretary of the Interior is authorized to enter into contract or contracts for the extension of the hospital as herein specified, toward which, including the expense of the preparation of plans and specifications, there is hereby appropriated the sum of \$50,000.

Mr. ALLISON. I ask that the amendment may be passed over, as this amendment depends upon the other two, or at least one of them.

The PRESIDENT pro tempore. It will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 88, line 20, after the word "dollars," to insert the following proviso:

Provided, That the number of beneficiaries in said institution, authorized by the act of August 13, 1890, to be received from the several States and Territories, is hereby increased from 60 to 100.

The amendment was agreed to.

The next amendment was, under the head of "Under the War Department," on page 90, after line 14, to insert:

For repairs of wing dam of Rock Island Arsenal water power, deepening tailraces of the Moline and Government dams of said power above and below their junction through the slough south of the island, \$97,000, to remain available until used, or otherwise directed by Congress.

The amendment was agreed to.

The next amendment was, at the top of page 92, to insert:

Watertown Arsenal, Watertown, Mass.: For the erection of a new fence around the Watertown Arsenal, \$12,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 92, after line 9, to insert:

Schuylkill Arsenal, Philadelphia, Pa.: For construction of a new four-story building for storage purposes, \$63,000.

For roofing over and putting floors in the courtyard of the present No. 3 fireproof building to provide storage and boxing and shipping space, \$18,000.

For rearrangement of the inspecting and issuing department, \$6,000.

The amendment was agreed to.

The next amendment was, in the items for Executive Mansion and grounds, on page 95, line 5, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For construction of an iron and brick storehouse at the nursery, and for each and every purpose connected therewith, \$8,500, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 95, after line 10, to insert:

That the President of the United States is hereby authorized to appoint an architect and a landscape architect, each of conspicuous ability in his profession, to be associated with the Chief of Engineers of the United States Army, to make an examination and to report to Congress on the first Monday in December, 1900, plans for the enlargement of the Executive Mansion; for the treatment of that section of the District of Columbia situated south of Pennsylvania avenue and north of B street SW., and for a suitable connection between the Potomac and the Zoological parks.

For services and expenses incident to said examination and report, \$10,000, to be disbursed under the control of the Secretary of War.

Mr. STEWART. Let that amendment be passed over.

Mr. ALLISON. At the request of the Senator from Nevada and other Senators, I ask that the amendment may be passed over.

The PRESIDENT pro tempore. The amendment will be passed over.

The next amendment was, on page 99, line 2, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

Installation of electric power for the service of the Monument: For addition to boiler house, \$6,500, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 99, line 4, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For one dynamo and connections, including installation of new system, \$20,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Military posts," on page 100, line 1, before the word "of," to strike out "Toward construction" and insert "For repairs;" so as to make the clause read:

For repairs of barracks and quarters for troops at Fort Leavenworth Kans., \$30,000.

The amendment was agreed to.

The next amendment was, on page 100, line 4, after the word "system," to insert "and for roads, walks, and grading;" and in line 6, before the word "thousand," to strike out "thirty" and insert "fifty;" so as to make the clause read:

Toward construction of water and sewer system and for roads, walks, and grading at military post at Bismarck, N. Dak., \$50,000.

The amendment was agreed to.

The next amendment was, on page 100, after line 6, to strike out:

Toward construction of additional stables at Fort Riley, Kans., \$30,000.

Mr. HARRIS. I should like to ask the chairman of the committee to pass over the committee amendment striking out lines 7 and 8 until we can have an opportunity to consult with regard to the necessity for retaining the provision.

Mr. ALLISON. I agree to have it passed over.

The PRESIDENT pro tempore. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 100, after line 8, to insert:

For buildings and other necessary improvements at the military post of Fort Meade, S. Dak., \$75,000.

The amendment was agreed to.

The next amendment was, on page 100, after line 11, to insert: For continuing work of rebuilding quarters, and for rebuilding regimental guardhouse at Fort D. A. Russell, Wyo., \$70,000.

The amendment was agreed to.

The next amendment was, on page 101, after line 16, to strike out:

Whipple Barracks improvement, etc.: For the rebuilding and improvement of Whipple Barracks, in Arizona, \$50,000.

The amendment was agreed to.

The next amendment was, on page 101, line 21, after the word "the," to strike out "construction;" in the same line, after the word "repair," to strike out the comma; in line 22, before the

word "roads," to insert "existing;" in line 25, after the word "which," to insert:

Amount \$5,000 shall be immediately available for the repair of roads: *Provided*, That of this.

On page 102, line 1, after the word "dollars," to insert "or so much thereof as may be necessary;" in line 8, after the words "Yellowstone Lake," to insert:

Provided further, That road extensions and improvements shall hereafter be made in said park under and in harmony with a general plan of roads and improvements to be approved by the Chief of Engineers of the Army.

So as to make the clause read:

Improvement of the Yellowstone National Park: For the repair and maintenance of existing roads and bridges and improvement and protection of the Yellowstone National Park, to be expended by and under the direction of the Secretary of War, \$80,000, of which amount \$5,000 shall be immediately available for the repair of roads: *Provided*, That of this amount \$20,000, or so much thereof as may be necessary, shall be used in the construction of a wagon road and the necessary bridges through the Yellowstone Park Timber Reserve along the North Fork of the Stinking-water or Shoshone River and through the Yellowstone Park by way of the Jones Creek trail or other most practicable route to a point on the Yellowstone River near where said river flows from Yellowstone Lake: *Provided further*, That road extensions and improvements shall hereafter be made in said park under and in harmony with a general plan of roads and improvements to be approved by the Chief of Engineers of the Army.

The amendment was agreed to.

The next amendment was, on page 104, line 3, after the word "dollars," to insert:

Of which amount the sum of \$6,000, or so much thereof as may be necessary, in the discretion of the Secretary of War, in addition to the amounts heretofore appropriated for that purpose, may be used in the purchase of lands as a part of the site of said park.

So as to make the clause read:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners, the secretary, assistant secretary, and assistant to the commissioners; for clerical and other services, labor, iron gun carriages, monuments, markers, and historical tablets; maps and surveys; roads, bridges, restoration of earthworks, purchase and transportation of supplies and materials; these and other necessary expenses, \$65,000, of which amount the sum of \$6,000, or so much thereof as may be necessary, in the discretion of the Secretary of War, in addition to the amounts heretofore appropriated for that purpose, may be used in the purchase of lands as a part of the site of said park.

The amendment was agreed to.

The next amendment was, under the head of "Engineer Department," on page 104, after line 9, to strike out:

For constructing jetties and other works at South Pass, Mississippi River: To enable the Secretary of War to pay to the legal representatives of James B. Eads, deceased, the second moiety of the sum of \$1,000,000 retained by the United States under the act of March 3, 1875 (first section on page 465 of Eighteenth Statutes), to be paid, all or in part, on the expiration of twenty years' maintenance of the channel, \$500,000: *Provided*, That the Secretary of War shall withhold so much of the sum hereby appropriated as shall equal the amount expended or to be expended under the act to provide for closing the crevasse in Pass a Loutre, approved February 26, 1897, until the question whether the responsibility for closing said crevasse rests upon the legal representatives and associates of the said James B. Eads has been determined in their favor by the Attorney-General, or judicially or otherwise legally determined in their favor, as provided for in the last-mentioned act.

And insert:

The Secretary of War is hereby authorized and empowered, in case any unusual obstruction to navigation in the channel of South Pass, Mississippi River, should occur during the fiscal year 1901, to use any dredges or tugboats of the Mississippi River Commission for the purpose of removing the same.

Mr. ALLISON. I ask that that amendment may be passed over.

Mr. CAFFERY. I have an amendment to offer to the amendment.

Mr. ALLISON. I did not observe the Senator from Louisiana to be present. Let it be acted upon.

Mr. CAFFERY. I offer an amendment to the amendment.

The SECRETARY. At the end of the committee amendment insert:

And the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, to be expended in the discretion of the Secretary of War in improving or altering such dredge or dredges so as to make the same available for use in said South Pass.

Mr. ALLISON. This is the amendment proposed by the Committee on Commerce, I understand?

Mr. CAFFERY. Yes, sir; it was reported from that committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 107, line 25, after the word "dollars," to insert the following proviso:

Provided, That the so-called East Channel across Sandy Hook Bar, New York Harbor, for the improvement of which provision was made by the river and harbor act approved March 3, 1899, shall hereafter be known as Ambrose Channel.

The amendment was agreed to.

The next amendment was, on page 110, line 5, before the word "dredges," to strike out "two" and insert "one or more;" and in line 6, before the word "hundred," to strike out "three" and insert "two;" so as to make the clause read:

Improving passes of the Mississippi River: For completing improvement by constructing sill across Pass a Loutre and by constructing and operating one or more dredges, \$200,000.

Mr. CAFFERY. Mr. President, I object to the amendment of the committee in reducing that appropriation from \$300,000 to \$200,000. I have been informed that the price of dredges has gone up so much recently that the amount of \$200,000 is not sufficient to construct such a dredge as is necessary to operate in that deep channel. The original sum I think ought to remain, for the reason that we had appropriated \$300,000 for dredges in the last river and harbor bill, since which period such an advance has been made in all materials for the construction of dredges that \$200,000 is now insufficient for a good dredge or one suitable to operate in that pass.

Mr. ALLISON. I am willing that this amendment shall be passed over for to-day.

Mr. CAFFERY. Very well.

Mr. ALLISON. This amendment was inserted at the request of the Chief of Engineers, who informed us that it would be impossible to use it under the phraseology placed in the bill by the House, as the House had provided for two dredges and appropriated only \$300,000. We would be willing to increase the appropriation \$100,000, so as to supply two dredges; but it was manifest that if \$300,000 were appropriated to buy dredges, none of the money could be expended, because \$300,000 would not buy them. I will allow the amendment to be passed over, so that we may deal with it later on.

Mr. CAFFERY. The appropriation embraces more than that, for it is not only for the construction of a dredge, but it is for putting down a sill in that pass. I suggest to the Senator from Iowa that the construction of the two dredges is in contemplation of the work to be made at Southwest Pass, for which there has been a survey and a recommendation by the officer of the Engineer Corps of the Army that two dredges are absolutely necessary. I would be very much obliged to the Senator if he would agree to increase the appropriation to \$500,000 for two dredges.

Mr. ALLISON. I can not consent to that to-night.

Mr. WOLCOTT. I understand that the amendment goes over until Monday.

Mr. ALLISON. It may go over.

The PRESIDENT pro tempore. The amendment will be passed over.

Mr. MASON. Mr. President, I rise to a parliamentary inquiry. There was an amendment offered in regard to the fees of attorneys. That is not in this bill as reported.

Mr. ALLISON. It is in the bill as it passed the House. I will say to the Senator that an amendment to that provision or any discussion respecting it will not be in order until after the committee amendments are disposed of. The committee have made no amendment thus far to that paragraph, but any amendment will be in order after the committee amendments are disposed of.

Mr. MASON. I understand; but I was simply asking for information whether it had been passed in this bill.

Mr. ALLISON. It has been read, but not considered, in this bill.

The PRESIDENT pro tempore. The reading of the bill will proceed.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 112, line 24, after the word "dollars," to insert:

To be done by contract or otherwise, as in the judgment of the Secretary of War may be most economical and advantageous to the Government.

So as to make the clause read:

Improving Upper White River, Arkansas: For continuing improvement by the construction of Lock and Dam No. 2, \$150,000, to be done by contract or otherwise, as in the judgment of the Secretary of War may be most economical and advantageous to the Government.

The amendment was agreed to.

The next amendment was, on page 113, after line 9, to insert:

MISSISSIPPI RIVER.

Improving the Mississippi River: For continuing improvement of Mississippi River from Head of the Passes to the mouth of the Ohio River, including salaries and clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission, \$2,500,000.

Improving the Mississippi River from the mouth of the Ohio River to St. Paul, Minn.: For continuing improvement from the mouth of the Ohio River to St. Paul, Minn., \$250,000.

The amendment was agreed to.

The next amendment was, on page 113, after line 19, to insert:

MISSOURI RIVER.

For improving the Missouri River from its mouth to Sioux City, Iowa: For continuing the improvement, including salaries and expenses of the Missouri River Commission, \$250,000, to be expended under the direction of the

Secretary of War in the improvement of the river at such localities as may be absolutely necessary in order to preserve existing improvements and to prevent threatened damage near Rulo, Nebr., and other points; said work to be done according to plans and specifications to be made by the Missouri River Commission and approved by the Chief of Engineers: *Provided*, That the Secretary of War is authorized in his discretion to expend for improvement of the Missouri River at Sioux City, Iowa, so much as he may deem advisable, not to exceed \$20,000, of the appropriation of \$170,000 made by the act approved March 3, 1899, for improving the Missouri River above Sioux City to and including Bismarck, and the sum of \$10,000 additional to the amount already apportioned from the said appropriation of \$170,000 for improving the said river at Elk Point, S. Dak., shall be expended at that place.

Mr. HANSBROUGH. I ask the Senator from Iowa if he will not consent to have this amendment under the heading "Missouri River" go over?

Mr. ALLISON. I will allow it to be passed over, Mr. President.

The PRESIDENT pro tempore. The amendment will be passed over.

The next amendment was, on page 114, after line 17, to insert:

COLUMBIA RIVER.

For the repair and improvement of the jetty at the mouth of Columbia River, Oregon and Washington, including repairs to wharves, approaches, tramway, plant, quarters, and buildings, and contingent expenses, \$250,000.

The amendment was agreed to.

Mr. ALLISON. I yield now to the Senator from Colorado, who has kindly waited for some time that we might reach the items under the heading "National cemeteries."

EXECUTIVE SESSION.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive business the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, May 23, 1900, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 26, 1900.

APPOINTMENT IN THE VOLUNTEER ARMY.

Forty-eighth Infantry.

Sergt. Maj. Frederick McC. Smith, Thirty-eighth Infantry, United States Volunteers, to be first lieutenant, May 24, 1900, vice Thomason, appointed captain.

COLLECTOR OF CUSTOMS.

E. R. Stackable, to be collector of customs for the district of Hawaii, in the Territory of Hawaii.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 26, 1900.

RECEIVER OF PUBLIC MONEYS.

William R. Edwards, of Fargo, N. Dak., to be receiver of public moneys at Rampart City, Alaska.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Thirty-third Infantry.

Sergt. Lamar G. Humphry, Company B, Thirty-third Infantry, United States Volunteers, to be second lieutenant, May 22, 1900.

Forty-seventh Infantry.

Battalion Sergt. Maj. Starkey Y. Britt, Forty-seventh Infantry, United States Volunteers, to be second lieutenant, May 23, 1900.

POSTMASTERS.

Henry Allen Talbot, to be postmaster at Franklin, in the county of Norfolk and State of Massachusetts.

Charles E. Brady, to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts.

George D. Libby, to be postmaster at Gardiner, in the county of Kennebec and State of Maine.

Belle Nance, to be postmaster at Lancaster, in the county of Lancaster and State of South Carolina.

James W. Johnson, to be postmaster at Marion, in the county of Marion and State of South Carolina.

W. S. Rice, to be postmaster at Carmi, in the county of White and State of Illinois.

HOUSE OF REPRESENTATIVES.

SATURDAY, May 26, 1900.

The House was called to order at 12 o'clock m. by its Clerk, Hon. ALEXANDER McDOWELL, who announced that the Speaker had designated as Speaker pro tempore for this day Hon. JOHN DALZELL, of Pennsylvania.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ANTI-CANTEEN BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent that Mr. PARKER of New Jersey may have leave to file a minority report on the bill known as the anti-canteen bill.

Mr. GROSVENOR. For how long?

Mr. HULL. To-day.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the gentleman from New Jersey [Mr. PARKER] may have leave to file a minority report on the bill known as the anti-canteen bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which is on the Clerk's desk. I will state that it is a resolution to permit the Clerk to correct an error in the conference report on the Indian appropriation bill adopted day before yesterday. The Clerk inadvertently referred to the Senate amendment instead of the engrossed copy of the bill. This resolution simply corrects that.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent for the present consideration of the resolution which will be reported by the Clerk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That the Clerk be authorized, in the enrollment of H. R. 7433, "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes," to strike out, in lines 12 and 13, page 55, of the engrossed bill, "upon the reservation" and insert "at reservation or industrial schools."

The SPEAKER pro tempore. Is there objection?

Mr. RICHARDSON. I would like to ask the gentleman how far the bill has progressed?

Mr. SHERMAN. The conference report has been agreed upon in both Houses, but the Clerk referred to the Senate amendment, rather than the engrossed copy of the bill.

Mr. RICHARDSON. Has the bill been enrolled?

Mr. SHERMAN. Oh, no; it is in the hands of the Clerk, and it is at the Clerk's request that this resolution is offered.

The resolution was agreed to.

DAM ACROSS NEW RIVER, VIRGINIA.

Mr. OTEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11231) permitting building a dam across New River.

The Clerk read the bill, as follows:

Be it enacted, etc. That the consent of Congress is hereby granted to F. H. Fries and W. C. Ruffin, of the State of North Carolina, their successors and assigns, to erect, construct, and maintain across New River, in Grayson County, Va., at any point within 2 miles of the mouth of Stevens Creek, a dam and all other works necessarily incident thereto for water-power purposes: *Provided*, That the said F. H. Fries and W. C. Ruffin, their successors and assigns, shall make, at their own expense, such change and modification of the said dam as the Secretary of War may from time to time direct in the interests of the navigation of said river: *Provided further*, That ladders suitable for the passage of fish over the said dam shall be constructed and maintained by the said parties, their successors and assigns, as may from time to time be required by the United States Fish Commissioner: *Provided further*, That in case any litigation arises from the obstruction of the channel by the said dam, or works appurtenant thereto, that the same may be tried in the courts of the United States having proper jurisdiction.

SEC. 2. That this act shall become null and void unless the dam herein authorized shall be commenced within two years and completed within five years of the date hereof.

With the following amendment recommended by the committee:

Add a new section, as follows:

"SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER pro tempore. Is there objection?

Mr. PAYNE. I would like to inquire whether this bill has the unanimous report of any committee?

Mr. OTEY. It has.

Mr. PAYNE. And whether the Secretary of War agrees to it?

Mr. OTEY. The report of the Secretary of War is there, and his amendment is included in the amendment proposed.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being read the third time, it was passed.

On motion of Mr. OTEY, a motion to reconsider the last vote was laid on the table.

REPRINT.

Mr. RAY of New York. Mr. Speaker, I am informed that the report on House resolution 138 and House bill 10539 are substantially exhausted. It is the resolution and bill relating to the anti-trust legislation. As that matter is to come up soon, members find themselves without a report, and I ask unanimous consent that a reprint may be had of the usual number of the majority report and also the views of the minority.

Mr. TERRY. On both the bill and the resolution?

Mr. RAY of New York. On both the resolution and the bill.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent for a reprint of the report of the majority and the views of the minority on the anti-trust bill and also of the resolution. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

POSTAL ADMINISTRATION IN CUBA.

Mr. COOPER of Wisconsin. On behalf of the Committee on Insular Affairs, I ask immediate consideration of the resolution which I sent to the desk, reported by the Committee on Insular Affairs.

The resolution is as follows:

Whereas it is stated that E. G. Rathbone, director of posts in Cuba, made a report to the Postmaster-General of the United States on April 23, 1900, in which he stated that the postal accounts of postal officials in Cuba were correct; and

Whereas it is stated in the public prints that the postal inspectors of the Cuban postal service had not made any inspection on reports of that date: Therefore,

Resolved, That the Postmaster-General of the United States be requested to inform the House of Representatives whether E. G. Rathbone, director of posts in Cuba, did, on April 23, 1900, or thereabouts, make such a report, and what said report contained; and to further inform the House of Representatives whether such report purported to be based on reports made to E. G. Rathbone by postal inspectors in Cuba, and whether the Postmaster-General has any information as to whether said postal inspectors in Cuba ever made such reports to E. G. Rathbone, director of posts in Cuba.

The report of the committee recommending that the resolution pass was read.

Mr. RICHARDSON. I wish to inquire whether this is a unanimous report from the Committee on Insular Affairs?

Mr. COOPER of Wisconsin. It is a unanimous report.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

Mr. FITZGERALD of Massachusetts. Is there no date fixed for the answer to this resolution?

Mr. HOPKINS. Certainly not; we can never do that.

Mr. FITZGERALD of Massachusetts. Just one moment, Mr. Speaker. Congress is going to adjourn in a short time; and I think something ought to be inserted in this resolution which would give us a report before we adjourn.

Mr. HOPKINS. A Cabinet officer is supposed to know as much about when Congress will adjourn as any member; and it would be an unprecedented thing to fix the time within which such an officer of the Government shall be required to make return to a resolution of this kind.

Mr. PAYNE. Why should the gentleman from Illinois [Mr. HOPKINS] waste any time on this matter? The gentleman from Massachusetts has got into the RECORD this morning, and that is enough.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I appreciate the fact that the gentleman from New York gets into the RECORD every day; and of course I refuse to be put into the category where the gentleman has just sought to place me. I am perfectly honest in this request. It seems to me if any information of this kind is to be obtained it ought to be presented to Congress before we adjourn, and I can see no harm in asking that that be done.

Mr. TAWNEY. Can the gentleman from Massachusetts state to the House about what time he thinks the information can be furnished?

Mr. FITZGERALD of Massachusetts. Well, Mr. Speaker, I think the information ought to be available within a very short time, and I see no reason why we should not have the information before we get away from here.

Mr. TAWNEY. It is utterly impractical to fix any time.

Mr. MADDOX rose.

Mr. COOPER of Wisconsin. I yield to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. I simply wish to say that this resolution was introduced by the gentleman from Virginia [Mr. HAY] and is reported back in exactly the same language in which it was introduced, without changing a word. It is in just the form that the gentleman from Virginia desired.

Mr. FITZGERALD of Massachusetts. Regardless of the question who introduced the resolution, I think we ought to have the information before we adjourn.

Mr. HOPKINS. We do not know that we can get it.

Mr. FITZGERALD of Massachusetts. We ought to try, if practicable, to get it.

Mr. COOPER of Wisconsin. I do not yield further. I call for the previous question.

The previous question was ordered; and the question being taken on agreeing to the resolution, it was agreed to.

PAYMENTS FROM REVENUES OF CUBA AND PORTO RICO.

Mr. COOPER of Wisconsin. I send to the desk a privileged resolution, reported back from the Committee on Insular Affairs with a substitute.

The Clerk read the resolution, as follows:

Resolved, That the Secretary of War is hereby directed to report to the House of Representatives the following information:

First. Whether any officer of the Army of the United States who is now, or who has been, on duty either in Cuba or Porto Rico, since the date of the declaration of war by the United States against Spain, has had furnished to him, by any person or authority, any quarters other than such quarters as such officer is entitled under the law to receive. If so, what is the name and rank of each officer so furnished with such quarters, and what quarters in each such instance have been so furnished.

Second. What rent has been paid in each instance for quarters thus furnished to officers of the Army during said period either in Cuba or Porto Rico.

Third. What amounts have been expended in each instance in repairing, refitting, or improving any quarters occupied by any officer of the United States Army on duty in Cuba or Porto Rico during said period, and for which officer in each instance was such quarters thus repaired, refitted, and improved.

Fourth. What amounts have been expended in each instance in furnishing or decorating any quarters occupied by any officer of the United States Army in Cuba or Porto Rico during said period, what was the character of such furnishings and decorations, and for which officer in each instance were the quarters thus furnished and decorated.

Fifth. What amounts have been expended for horses or mules, harness, vehicles, or equipages of any kind to be used by any officer of the United States Army on duty in Cuba or Porto Rico during said period, and for which officer in each instance were the horses, mules, harness, vehicles, or other equipages furnished.

Sixth. What amounts have been paid for the hire of servants, or as compensation for services rendered, in and about the quarters of any officer of the United States Army during said period in Cuba or Porto Rico, and in each instance who was the officer occupying said quarters in and about which said servants were employed or said services were rendered.

Seventh. What amounts have been paid for supplies of any kind furnished to any officer of the United States Army during said period in Cuba or Porto Rico, other than the allowances to which such officer is entitled under the law; and in each instance who is the officer thus receiving such supplies.

Eighth. What amounts have been paid in Cuba in the way of allowances and salaries to the commanding general, the heads of the various departments of the United States military government of Cuba, including all persons employed as clerks or otherwise under said government.

Ninth. What amounts have been paid in Cuba to the officers of the late Cuban army, and what amounts, if any, are being paid at the present time to said officers.

Tenth. In each of the expenditures concerning which inquiry is made, out of what fund was said amount paid.

The substitute reported by the committee was read, as follows:

Resolved, That the Secretary of War is directed to report, in detail, to the House of Representatives what payments have been made, and to whom, from the revenues of Cuba and Porto Rico, respectively, to or on account of officers of the United States Army and to the heads of the various departments of the United States military government of Cuba, and subordinates, including all persons employed as clerks, special agents, architects, and engineers, for salaries, allowances, or otherwise, including rents, repairs, and furnishings, and the necessity therefor, since the treaty of peace with Spain of April 11, 1898.

The SPEAKER pro tempore. The question is on agreeing to the substitute.

Mr. COX rose.

Mr. COOPER of Wisconsin. I desire to say, Mr. Speaker, that the substitute has been reported unanimously from the Committee on Insular Affairs, the original resolution having been introduced by the gentleman from Virginia [Mr. JONES], a member of that committee.

Mr. COX. Does that include the Philippine Islands?

Mr. COOPER of Wisconsin. It does not.

Mr. COX. Now, why not?

Mr. COOPER of Wisconsin. It includes Cuba and Porto Rico.

Mr. COX. I do not see why it did not include the Philippine Islands.

Mr. COOPER of Wisconsin. The original resolution was introduced by the gentleman from Virginia [Mr. JONES] and it covered Cuba and Porto Rico.

Mr. JONES of Virginia. I will say to the gentleman that the original resolution did not include Porto Rico.

Mr. JAMES R. WILLIAMS. I have introduced a resolution for the Philippines—that is now before the committee.

Mr. COX. That is all right.

The SPEAKER pro tempore. The gentleman from Wisconsin has asked for the previous question.

The previous question was ordered.

The resolution was agreed to.

BANK OF PORTO RICO.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 247, to authorize and empower the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) to amend its by-laws.

The joint resolution was read, as follows:

*Resolved, etc., That the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) be, and the said institution is hereby, authorized and empowered to amend article 1 of its by-laws, which said by-laws are referred to in, and published with, the royal (Spanish) decree dated May 5, A. D. 1888, granting a concession to said bank, so as to change its name to that of Banco de Puerto Rico (Bank of Porto Rico), and to substitute for its capital in pesos the equivalent in money of the United States at the ratio established by law, and to amend article 31 of said by-laws, so that to be a councilor of said bank it may not be necessary to be a Spaniard, and further to modify and amend said by-laws, but always in accordance with existing law, and subject to the approval of the governor of Porto Rico: *Provided*, That nothing herein contained shall be held to enlarge or to permit the enlargement, in any manner or to any extent, of any of the rights, powers, or privileges granted to said Banco Español de Puerto Rico (Spanish Bank of Porto Rico) by the Government of Spain: *And provided further*, That nothing herein contained shall be held in any wise to limit or curtail any power which the Government or the Congress of the United States possesses in respect of said bank, its powers, privileges, or franchises.*

The following amendments, recommended by the Committee on Insular Affairs, were read:

In line 10 of page 1 of the printed copy of said resolution, transpose the words "Banco de Puerto Rico" and "Bank of Porto Rico," so that said words in said line 10 shall read as follows: "Bank of Porto Rico (Banco de Puerto Rico)."

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. RICHARDSON. Mr. Speaker, we should like to have some explanation of the object of this resolution.

Mr. COOPER of Wisconsin. Mr. Speaker, this Bank of Porto Rico, known as the Spanish Bank of Porto Rico, or Banco Español de Puerto Rico, was chartered under royal decree in May, 1888, for twenty-five years.

The treaty of Paris preserved in express terms the rights growing out of property in the islands of Cuba, Porto Rico, and the Philippines. This bank has a charter which the Committee on Insular Affairs had before it. It is found in Senate Document No. 197, printed last February. The bank is known as the Spanish Bank of Porto Rico. There is also a Spanish Bank of Cuba and a Spanish bank in the Philippines. This particular institution desires to strike the word "Spanish," or "Español," from its name, so as to be known as the Bank of Porto Rico. Its charter provides that its capital shall be in pesos. It may be as high as 2,000,000 pesos.

Mr. RICHARDSON. Is the bill unanimously reported by the committee?

Mr. COOPER of Wisconsin. It is.

Mr. RICHARDSON. All right.

Mr. COOPER of Wisconsin. And the bank desires to change its capitalization from pesos to dollars. It also desires to amend that article of its by-laws which requires that a councilor, or, as we call it, a director, shall be a Spaniard or a naturalized citizen. The House will observe that the provisos of the resolution, especially the last one, retain in Congress the power which it now possesses over the bank and any privilege or concession or franchises which the bank now owns; so that Congress and the Government of the United States relinquish nothing whatever concerning it by the passage of this resolution.

Now I move the previous question.

Mr. COX. Let me ask one question about this matter.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. COX. Does this act confer any privilege upon that bank which it has not exercised heretofore?

Mr. LOUD. None whatever.

Mr. COOPER of Wisconsin. In reply to that question, I only have to call the attention of the gentleman from Tennessee [Mr. Cox] to the last proviso. There are two provisos, and perhaps, for the information of the gentleman from Tennessee, I had better read them both. I call his particular attention to the phraseology of the provisos:

Provided, That nothing herein contained shall be held to enlarge or to permit the enlargement, in any manner or to any extent, of any of the rights, powers, or privileges granted to said Banco Español de Puerto Rico (Spanish Bank of Porto Rico) by the Government of Spain: *And provided further*, That nothing herein contained shall be held in any wise to limit or curtail any power which the Government or the Congress of the United States possesses in respect of said bank, its powers, privileges, or franchises.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The amendments recommended by the committee were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the last vote was laid on the table.

BRIDGES ACROSS MANATEE RIVER AND GASPARILLA SOUND,
FLORIDA.

Mr. DAVEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9154) granting authority to Alafia, Manatee and Gulf Coast Railroad Company to build

railroad bridges across the Manatee River and Gasparilla Sound and to lay railroad tracks thereon.

The bill was read. It provides that the Alafia, Manatee and Gulf Railroad Company, a railroad corporation organized under the law of Florida, be, and it hereby is, authorized and empowered to construct, maintain, and operate one bridge across each of the following rivers and bodies of water, all in the State of Florida: The Manatee River from a point at or near Palmetto, in the county of Manatee, to a point at or near Braidenton, in said county, and also over and across Gasparilla Sound from a point on the mainland, in the county of De Soto, to a point near or opposite thereto at or near the head of north end of Gasparilla Island, and to lay railroad tracks on the said bridges to run trains on same.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill just reported?

There was no objection.

Mr. DAVEY. I move an amendment, to insert after the word "Gulf," in line 3, the word "Coast."

The amendment was agreed to.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DAVEY, a motion to reconsider the last vote was laid on the table.

STEAMSHIPS BETWEEN PORTO RICO, HAWAII, AND THE UNITED STATES.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4615) to facilitate the entry of steamships engaged in the coasting trade between Porto Rico and the Territory of Hawaii and the United States.

The bill was read, as follows:

Be it enacted, etc., That the provisions of the act of June 5, 1894, entitled "An act to facilitate the entry of steamships," are hereby extended to steamships engaged in trading between ports of Porto Rico and the Territory of Hawaii and those of the United States.

The SPEAKER pro tempore. Is there objection?

Mr. PAYNE. I should like to ask the gentleman if that bill has been reported by any committee of the House?

Mr. FLETCHER. It has been reported by the Committee on Commerce of the Senate and by the Committee on Interstate and Foreign Commerce of the House—a unanimous report.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. FLETCHER, a motion to reconsider the last vote was laid on the table.

ACCOUNTS OF CERTAIN OFFICIALS OF UTAH TERRITORY.

Mr. KING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3106) relating to the accounts of the United States marshal and the clerks of the district courts for the Territory of Utah.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States marshals and the clerks of the district courts of the Territory of Utah, prior to its admission to the Union as a State, shall be held accountable only for fees earned in United States cases in accordance with the decision of the Attorney-General dated December 2, 1891, and they are hereby relieved from making further reports of emoluments and are released from further liability on their bond, and the accounting officers are hereby directed to settle all unadjusted accounts of said officers accordingly, and to readjust and restate all settled accounts of said officers in the same manner and credit them with whatever balances may have been or may hereafter be found due the United States on such readjustment and restatement.

Mr. PAYNE. Mr. Speaker, I think that bill ought to have some explanation.

Mr. KING. Mr. Speaker, I can assure my friend from New York, as well as other members of the House, that this measure is entitled to his support. I have examined it carefully, and unhesitatingly say that it should pass.

It was introduced in the Senate by Senator PLATT of Connecticut, passed the Senate, and upon reaching the House was referred to the Judiciary Committee, and that committee reported it back with the unanimous recommendation that it pass.

A perusal of the bill shows its purpose, which is to settle and adjust the accounts existing between the United States and the marshals and clerks of the district courts "for the Territory of Utah prior to its admission to the Union as a State."

The justice and propriety of this proposed legislation are found in the following facts: The clerks and marshals of the district courts in the Territory of Utah made returns to the Government of the earnings only in United States business. The business done for the Territory, and the civil cases, in which the United States was not a party, were not reported in the emolument returns submitted to the officials at Washington; nor were the expenses of the clerks and marshals incurred in the Territorial and civil business reported to the Government.

In other words, these officers of the Government distinguished

between such cases and business as were purely governmental in character and such as clearly belonged to private persons and the Territory of Utah; and in settling with the United States they omitted all fees earned, whether collected or not, in the latter class, and also received no credit from the Government for the additional clerk hire, clerical aid, stationery, etc., rendered necessary in the performance of these added duties.

The reports and returns, excluding and omitting the earnings in the class of business last referred to, were made not only with the approval of the Departments at Washington, but under the positive instructions of the Attorney-General of the United States.

The emolument returns, as stated, were approved by Attorney-Generals Garland and Miller and referred to the accounting officers of the Treasury Department, who in turn approved them and settled the accounts of the officers in Utah.

Now, years after, notwithstanding these settlements, and after some of the officials concerned are dead and others removed from Utah, the Treasury Department reopens the accounts and brings suit against some of the former clerks and their bondsmen, and states it to be the purpose to commence other suits to recover the fees charged, whether collected or not, in the civil and Territorial business.

Such a course as this is manifestly unjust. Utah ceased to be a Territory with the beginning of 1896. Some of the persons affected by this action of the Treasury Department have been out of office ten years and more. They could not produce the receipts and vouchers required nor show the expenditures made in their offices for which they would be entitled to credit, even if the Government were to succeed in the actions now commenced and threatened.

The clerks and marshals acted under the directions and written opinions of the chief legal advisers of the Government. They followed the law as it was construed by everyone.

Now, because the opinions of the Department of Justice are held to be erroneous, innocent persons, officials who followed in every detail the directions of their superiors and the provisions of law as interpreted uniformly and in every part of the United States, and their bondsmen are to be harassed and sued, and perhaps compelled to pay to the United States amounts earned as fees, but never collected.

This bill relieves the officials from the suits pending and prevents the bringing of others: It recognizes the validity of the settlements made.

As I understand, the officials in the Treasury Department and the Department of Justice do not oppose this measure. I am told that similar measures were passed to relieve the clerks and marshals in Arizona, New Mexico, and Oklahoma. With this brief explanation I am sure no gentleman will object to the consideration or passage of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. KING, a motion to reconsider the vote by which the bill was passed was laid on the table.

DROPPING CERTAIN WIDOWS FROM PENSION ROLL.

Mr. RICHARDSON. Mr. Speaker, I rise to make a privileged motion on a resolution of inquiry addressed to the Secretary of the Interior. I ask that it be read.

The Clerk read as follows:

House resolution 264.

Resolved, That the Secretary of the Interior is hereby requested and directed to transmit, for the information of the House of Representatives, all the papers, official reports, and correspondence on file relating to the dropping from the pension roll certain widows; especially the reports and correspondence from Special Examiners William M. Goodlove, W. S. Harris, A. W. Room, and Gen. J. H. Stibbs, and each of them, relative to said widows; also all letters and correspondence by said Stibbs and the Commissioner of Pensions to and with said Stibbs, Harris, Room, Goodlove, and each of them.

Mr. RICHARDSON. Mr. Speaker, this resolution was introduced on the 16th of May by the gentleman from Indiana [Mr. MIERS] and referred regularly to the Committee on Invalid Pensions. It is a resolution of inquiry which has not been reported, and more than a week has elapsed. I move to discharge the committee and pass the resolution.

The SPEAKER pro tempore. What is the motion?

Mr. RICHARDSON. I move to discharge the committee from the further consideration and pass the resolution. The gentleman from Indiana asked me to make this motion.

Mr. RAY of New York. Mr. Speaker, I would like to ask what is the occasion for this inquiry?

Mr. RICHARDSON. I can not give the information, because I am not in possession of it. I have been informed that the correspondence is such as the House ought to have the benefit of, and this simply asks for the correspondence between these special examiners and the Commissioner of Pensions.

Mr. RAY of New York. Do I understand that this resolution was referred to the Committee on Invalid Pensions?

Mr. RICHARDSON. On the 16th of May.

Mr. RAY of New York. And a week has passed by and they have made no report?

Mr. RICHARDSON. That is right.

Mr. RAY of New York. Well, has any inquiry been made as to why it has not been reported?

Mr. RICHARDSON. I have not made any. The resolution was regularly referred on the 16th day of May, and it has not been reported.

Mr. RAY of New York. May I ask who introduced the resolution?

Mr. RICHARDSON. The gentleman from Indiana [Mr. MIERS].

Mr. PAYNE. Is he a member of the committee?

Mr. RICHARDSON. He is a member of the Committee on Invalid Pensions, and is temporarily out of the House, and he asked me to make this motion.

Mr. PAYNE. Mr. Speaker, it seems to me, if we are to pass this resolution, which was referred to a committee of which the gentleman is a member, we ought to have some explanation from the committee as to the cause of the delay. It may be that the resolution did not reach the committee the day it was introduced.

Mr. RAY of New York. The chairman of that committee is now here, and I would like to hear something from him about it. Mr. GIBSON. I would like to hear the resolution reported.

The SPEAKER pro tempore. Without objection, the resolution will be again read.

Mr. RAY of New York. Now, Mr. Speaker, I am informed at this time by the chairman of the Committee on Invalid Pensions that that resolution has been before the committee, and that the chairman has written to the Secretary for information in regard to it as preliminary to a report; and therefore it does seem to me that this resolution ought not to be considered under those circumstances.

Mr. PAYNE. And that has been done on an understanding with and by the consent of the gentleman from Indiana.

The SPEAKER pro tempore. The Chair will state that this debate is proceeding by unanimous consent. The motion is not debatable.

Mr. PAYNE. We are trying to get at the facts.

Mr. RICHARDSON. I understand now the chairman of the committee to say that the delay in reporting this resolution has been at the request of the gentleman from Indiana [Mr. MIERS].

Mr. SULLOWAY. I say that with his assent it is a fact that I have written a letter in behalf of the committee asking the Secretary to report the facts.

Mr. RICHARDSON. I have no desire to press the resolution under that statement. The gentleman from Indiana was called away from the House two days ago, and asked me when the week expired to make this motion; and that is the reason I make it. Now, I am willing to let it lay over until Monday, and perhaps the gentleman will return by that time.

The SPEAKER pro tempore. The gentleman withdraws the resolution.

SECTION 4414, TITLE LII, REVISED STATUTES.

Mr. SOUTHARD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10997) to amend section 4414, Title LII, Revised Statutes of the United States.

Be it enacted, etc., That section 4414, Title LII, of the Revised Statutes of the United States, as amended by the acts of Congress approved March 1 and 2, 1895, be amended by inserting therein the words "Toledo, Ohio," after the words "Mobile, Ala."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CANNON. What is it about, anyhow?

Mr. RICHARDSON. I would like to have a statement as to this bill.

Mr. SOUTHARD. Section 4414 of the Revised Statutes of the United States is a part of the law for the regulation of steam vessels navigating the waters of the United States, and the purpose of the proposed amendment is to create a new inspection district and a local board of inspectors at Toledo, Ohio. This amendment affects no other district than that known as the Cleveland inspection district. It cuts out of what is known as the Cleveland inspection district a part of the district and makes a new district of it, and will result in the organization of a new board of local inspectors. This bill has the recommendation and the commendation of the Bureau of Navigation. In fact, this bill is suggested by the Department. Under the present system the board of inspectors located at Cleveland inspects all the vessels and all the officers, the captains, masters, engineers, and all other officers. Now, in the third collection district of Cuyahoga, Sandusky, and Miami the navigation and number of vessels has so increased that a new

board is necessary. The Department says that the expenses will be lessened by the creation of this new board. I want to say that it affects no other district than that known as the Cleveland inspection district.

Mr. LOUD. How is it going to reduce expenses when it creates a new board of officers?

Mr. SOUTHARD. I will read from the letter of the Supervising Inspector-General. He says, in his letter dated May 10 of this year:

That the creation of such a board of local inspectors is necessary must be assumed from the fact that at the present time all the steamers inspected and licensed officers employed in the Toledo (Miami) and Sandusky collection districts are inspected and officers licensed by the local board of inspectors located at Cleveland, Ohio (Cuyahoga collection district), and that all business transactions of steamboat owners in the Toledo and Sandusky districts, in relation to the laws governing the inspection of their vessels, must be transacted with the inspectors at Cleveland; this no doubt, in many cases, causing delays and expenses that would be avoided if favorable consideration is given by Congress to the bill referred to herein, which is just as necessary, under present conditions, as was the law creating the customs district of Miami (Toledo).

The duties of the collector of customs at Toledo and those of the inspectors who now inspect the steam vessels in that district are now connected by law (section 4421, Revised Statutes), which requires the certificates of steamers inspected in the Toledo district to be filed with the collector of customs of that district, though inspected by the board of inspectors located at Cleveland, Ohio.

When the present steamboat laws were enacted, and only one local board of inspectors was authorized, located at Cleveland, the number of steamers to be inspected in the three districts of Cuyahoga, Miami, and Sandusky was so few that local boards of inspectors for each of these districts would have been unwarranted, as will be seen from the comparative statement of the number of steamers inspected during the calendar year ending December 31, 1871, and the number inspected during the fiscal year ending June 30, 1890.

Quoting from the printed report of the year first named, I find the following: "Eighty-seven steamers of different classes, with an aggregate burden of 19,039 tons, were inspected by the board at Cleveland, including Sandusky and Toledo, Ohio, and 128 pilots and 162 engineers were examined and licensed by the said board."

During the fiscal year ending June 30, 1890, there were inspected by the Cleveland board of local inspectors 323 steamers, of 243,486 gross tons.

Of the above number of steamers inspected 93 of them were inspected, of 14,864 gross tons, in the Toledo and Sandusky collection districts, or 6 more steamers than were inspected in all three of the lake districts of Ohio in 1871, the tonnage, however, being slightly less, because many of the steamers are small, yet requiring as much time to inspect as they would if they were of greater tonnage.

Of the steamers inspected in the Toledo and Sandusky districts 47 of them, of 11,960 gross tonnage, were inspected in the first-named district, and 46 steamers, of 3,904 gross tons, were inspected in the latter district.

The total number of officers licensed by the local board of inspectors at Cleveland in 1894 was 1,336, nearly one-third of whom are employed in the Toledo and Sandusky districts.

In conclusion, would say that the legislation asked for in the bill under consideration is in line of general legislation, embracing in substance the recommendation of this office in its annual report for the fiscal year ending June 30, 1895, which is quoted, as follows:

"Referring to so much of the acts of Congress approved March 1 and 2, 1895, creating four additional boards of local inspectors, I would suggest a still further amendment to said laws giving the Secretary of the Treasury power to create additional boards of local inspectors at contiguous customs inspection districts, or by dividing any collection district whenever the work of an existing board becomes so large as to authorize, under the law as amended March 1, 1895, the services of assistant inspectors."

They would have to have assistant inspectors and have to pay the traveling expenses of assistant inspectors. He further says:

Were the laws so amended, then the public as well as vessel owners' interests would be much better served and at less expense to the Government than to appoint assistant inspectors in the offices of existing local boards, as in most cases the gross amount of salaries would be less under the new method of rating salaries in accordance with the number of steamers inspected; besides the traveling expenses would be at least 25 per cent less.

Mr. LOUD. He means that the expenses of the merchant would be lessened and not the expenses of the Government.

Mr. SOUTHARD. No; he means that when you have assistant inspectors, they must go to this port, and their expenses would have to be paid.

Mr. LOUD. How far is it?

Mr. SOUTHARD. From Cleveland to Toledo is 113 miles. It means that the masters and engineers and other vessel men must travel 113 miles to be examined. It means that after all this is done reports must be made from the places where the examination takes place right back to this customs district, where the vessels are located and where the men live who present themselves for examination. The Supervising Inspector-General says by the passage of this law expense to the Government will be saved, and expenses to those who do business with the Government will be saved. Expenses will be saved all the way round. This was suggested by the Department, and in this letter the Supervising Inspector-General strongly advises the creation of this new inspection district and the appointment of a local board of inspectors.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being read the third time, it was passed.

On motion of Mr. SOUTHARD, a motion to reconsider the last vote was laid on the table.

LAND FOR PUBLIC CEMETERY NEAR SILVERTON, COLO.

Mr. BELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10812) authorizing the Secretary of the Interior to set aside certain described lands in San Juan County, Colo., as a legal subdivision or lot, and authorizing the mayor of Silverton to enter said land for cemetery purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to set aside the following-described land as a legal subdivision or lot, namely: Beginning at corner No. 1, a post which is also the corner post of the fence of old cemetery, and marked "Cor. No. 1, Cemetery," whence United States locating monument "Silverton" bears north 79° 24' west 2,918.9 feet, Bear Mountain bears south 69° 57' west, Sultan Mountain bears south 51° 56' west, Galena Mountain bears north 79° 24' east; thence north 57° 6' east 562 feet to corner post of old cemetery, 1,091.3 feet to corner No. 2, a post 6 inches in diameter, 4 feet long, scribed "2 X" and marked "Cemetery," and set in ground with mound of stones; thence north 18° 40' west 563.7 feet to corner No. 3, a post 6 inches in diameter, 4 feet long, scribed "3 X" and marked "Cemetery," and set in ground with mound of stones; whence a cross "X" and "B. T. 3 X," scribed on a small pine tree 6 inches in diameter, bears south 47° 59' east 11.5 feet, Galena Mountain bears north 82° 7' east, and Sultan Mountain bears south 51° 3' west; thence south 72° 13' west 683 feet to corner No. 4, a corner post of the fence of old cemetery, marked "Cor. No. 4, Cemetery;" thence south 74° west 589.8 feet to corner No. 5, a corner post of the fence of old cemetery, marked "Cor. No. 5, Cemetery;" thence south 8° 4' east 376.1 feet to corner No. 6, a corner post of the fence of old cemetery, marked "Cor. No. 6, Cemetery;" thence south 48° 13' east 575 feet to corner No. 1, the place of beginning. Magnetic variation 14° 2' east. All courses deflected from a true meridian, the above-described tract of land containing 20.841 acres, all in San Juan County, Colo., and near the town of Silverton in said county.

SEC. 2. That the mayor of the town of Silverton, Colo., is hereby authorized to enter the above-described land at the proper land office, for cemetery purposes, subject to any legal, valid, and existing claims, by paying to the receiver of the proper land office \$1.25 per acre therefor, and all legal fees.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being read the third time, was passed.

On motion of Mr. BELL, a motion to reconsider the last vote was laid on the table.

CONFIRMING LEASE WITH SENECA INDIANS.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10700) to confirm a lease with the Seneca Nation of Indians.

The Clerk read the bill, as follows:

Be it enacted, etc., That whereas on the 18th day of November, 1899, Charles Dennis, a Seneca Indian, leased to the Erie Preserving Company, as a site for a manufacturing plant, a certain piece of land near the village of Irving, N. Y.; and whereas on the 29th day of December, 1899, the said lease was confirmed, ratified, and approved by the council of the Seneca Nation of Indians, according to its terms and conditions: Now, therefore, the action of the said Charles Dennis and of said Seneca Nation, by its council, is ratified, confirmed, and approved.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

JOHN D. WEATHERSBY.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent that Senate bill 3129, granting a pension to John D. Weathersby, lie on the table.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that Senate bill 3129, granting a pension to John D. Weathersby, lie on the table. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ALICE V. COOK.

Mr. PAYNE. Mr. Speaker, I offer the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Senate be requested to furnish the House a duplicate engrossed copy of the following concurrent resolution of the Senate:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill of the Senate (S. 2344) granting a pension to Alice V. Cook."

The same having been lost.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

CIVIL CODE FOR ALASKA.

Mr. WARNER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill 3419.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union under the special order for the further consideration of Senate bill 3419, known as the Alaska bill.

The motion was agreed to; accordingly the House resolved itself

into Committee of the Whole House on the state of the Union, with Mr. JENKINS in the chair, for the further consideration of Senate bill 3419, making further provision for a civil government for Alaska, and for other purposes.

The CHAIRMAN. The pending question is on the amendment of the gentleman from New York to strike out all of chapter 65.

Mr. GROSVENOR. Before the Committee of the Whole proceeds to the question which the Chair has stated, I wish to call attention to the fact that chapter 13 was stricken out entirely because of certain criticisms upon some of the paragraphs. I had something to do with that action; but I do not desire that the bill shall be passed without any provision in cases of fraud for arrest and bail. Therefore I ask unanimous consent that we return to the proper place in the bill that I may offer an amended proposition which I think will be satisfactory to the committee.

Mr. PAYNE. I wish the gentleman would wait until we dispose of the pending question, because I think—

Mr. GROSVENOR. Upon the suggestion of the gentleman from New York, I will withhold my request for unanimous consent until the question now pending shall be disposed of.

Mr. PAYNE. I think, Mr. Chairman, from the conversation I had yesterday with gentlemen of the committee in regard to this amendment, that they will not seriously oppose striking out the chapter, so that we may save time by taking the vote at once.

Mr. WARNER. I would like to be heard on that question a moment.

Mr. PAYNE. I thought the gentleman agreed that he would not press this chapter?

Mr. WARNER. Mr. Chairman, I will simply say that chapter 65, now under consideration, is the law as now in force in Alaska, being taken bodily from the Oregon code. It is also found in the California code, in the Montana code, and in the codes of several other Western States. It is satisfactory to the bench and the bar in Alaska, and I can imagine no harm it will do if allowed to remain in this code. Therefore I prefer to have it adopted as it is, although no great damage would be done if it should be stricken out entirely.

Mr. PAYNE. Then suppose we strike it out.

Mr. TAWNEY. Is it not a fact that members of the House from those States where these provisions are in force have nearly all of them criticised them as improper and unnecessary limitations on the power of the court in the matter of instructions to juries?

Mr. WARNER. I have heard no criticism from any member from California or any other State where these provisions are in force.

Mr. TAWNEY. The member from Montana criticised them very severely and said they did not operate satisfactorily in his State; that that was one reason why he was opposed to them and would vote to strike them out.

Mr. WARNER. If he so stated, it escaped my ear. The gentleman from California strenuously advocated them. But the Committee of the Whole, of course, may do whatever may be deemed advisable.

The question being taken on the motion to strike out chapter 65, on pages 313 and 314, it was agreed to.

Mr. GROSVENOR. I now ask unanimous consent to return to the proper place in the bill and to offer as an amendment a chapter on this subject which I hold in my hand.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to chapter 12, on page 70, for the purpose of offering an amendment. Is there objection?

Mr. BARTLETT. I do not want to object unnecessarily; but I think that if we return to that chapter now, we shall have a discussion which will probably occupy most of the day. I therefore suggest to the gentleman from Ohio that it would in all probability save time and be better for the bill to let the matter for the present go as it is and submit his suggestion to the committee of conference, so that, if approved, it may be inserted by them.

Mr. GROSVENOR. I will make a suggestion which will be, perhaps, quite as satisfactory as that of the gentleman. If I can have unanimous consent, I will print in the RECORD the proposition I wish to submit, and let it go over for consideration next week.

Mr. BARTLETT. Probably after the members of the committee see your amendment they will agree to it.

Mr. GROSVENOR. Perhaps so. I am not very proud of it; but perhaps the gentlemen will come to my rescue.

The CHAIRMAN. Is there objection?

Mr. BARTLETT. The only request now, as I understand, is to print the amendment in the RECORD.

Mr. GROSVENOR. And that its further consideration be postponed.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent for the purpose of offering an amendment to be printed in the RECORD—

Mr. GROSVENOR. And be considered pending.

The CHAIRMAN. And be considered pending, and that the paragraph pass without prejudice.

Mr. BARTLETT. That is not the proposition, as I understand it. The gentleman's proposition, as I understand, is that he be permitted to print in the RECORD an amendment, which he sends to the Clerk's desk, for the purpose of requesting hereafter to return to this provision.

Mr. GROSVENOR. Very well; I am quite content with that.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to print in the RECORD and have considered pending—

Mr. BARTLETT. No; to print the proposition in the RECORD for information.

The CHAIRMAN. The gentleman asks consent to print in the RECORD his proposed amendment, which he desires to offer as a substitute for chapter 12.

There was no objection.

The amendment proposed by Mr. GROSVENOR is as follows:

CHAPTER 12.

OF ARREST AND BAIL.

Sec.	Sec.
98. When defendant may be arrested.	114. Deposit, how applied or disposed of.
99. Proceeding to obtain an arrest.	115. When marshal liable as bail and how discharged from such liability.
100. Defendant may be discharged on bail or deposit.	116. Judgment against marshal as bail.
101. Bail, how given.	117. When bail liable to marshal.
102. Surrender of defendant.	118. Plaintiff liable in the first instance for the maintenance of defendant.
103. Same subject.	119. When marshal may discharge defendant for nonpayment of maintenance.
104. Bail, how proceeded against.	120. Motion to vacate writ of arrest.
105. How exonerated.	121. Proceedings thereon.
106. Delivery of copy of undertaking.	
107. Notice of justification of bail.	
108. Qualification of bail.	
109. Justification of bail.	
110. Allowance of bail.	
111. Deposit of money in lieu of bail.	
112. Payment by marshal of deposit to clerk.	
113. Bail may be given and deposit refunded.	

SEC. 98. No person shall be arrested in any civil action except as provided in this section. The defendant may be arrested in the following cases:

First. In an action for the recovery of money or damages when the defendant is a nonresident of the district, is about to remove therefrom with intent to defraud his creditors, or when the action is for an injury to person or character, or for willfully injuring or wrongfully taking, detaining, or converting property.

Second. In an action for a fine or penalty, or for seduction, or for money or property embezzled or fraudulently misapplied or converted to his own use by a public officer, or by an attorney, or by an officer or agent of a corporation in the course of his employment as such, or by any factor, agent, broker, or other person in a fiduciary capacity, or for any misconduct or neglect in office or in a professional employment.

Third. In an action to recover the possession of personal property unjustly detained, when the property or any part thereof has been concealed, removed, or disposed of, so that it can not be found or taken by the marshal, and with intent that it should not be so found or taken, or with the intent to deprive the plaintiff of the benefit thereof.

Fourth. When the defendant has been guilty of a fraud in contracting a debt, or incurring the obligation for which the action is brought, or in concealing or disposing of the property for the taking, detention, or conversion of which the action is brought.

Fifth. When the defendant has removed or disposed of his property, or is about to do so, with intent to defraud his creditors.

But no female shall be arrested in any action except for injury to person, character, or property.

SEC. 99. The mode of proceeding to obtain the arrest of the defendant for any of the causes specified in the section last preceding shall be as provided in this section:

First. At any time after the commencement of any civil action, and before judgment, the plaintiff in such action shall be entitled to a writ of arrest for such defendant whenever he shall make and file with the court in which such action is commenced, or is at the time pending, an affidavit that the plaintiff has a sufficient cause of action therein, and that the case is one of those mentioned in the section last preceding; and shall also make and file with such court an undertaking, with sufficient sureties, in a sum not less than \$300, and equal to the amount for which the plaintiff prays judgment. Such undertaking shall be conditioned that the plaintiff will pay all costs that may be adjudged to the defendant and all damages which he may sustain by reason of the arrest if the same be wrongful or without sufficient cause, not exceeding the amount specified in the undertaking.

Second. The affidavit may be either positive or upon information and belief; but if the latter, it shall state the facts upon which the belief is founded. The plaintiff shall also file with his undertaking the affidavits of the sureties therein, from which it must appear that such sureties are residents of the district, and that they are, taken together, worth double the amount of the sum specified in the undertaking over all debts and liabilities and property exempt from execution. No person not qualified to become bail upon arrest is qualified to become surety in an undertaking for an arrest.

Third. The writ of arrest shall be issued by the court, and shall require the marshal forthwith to arrest the defendant and hold him to bail in the amount specified in the undertaking, and that in default thereof he keep him in custody until discharged by law, and to return the writ to the court from which it issued, with his doings indorsed thereon, when required by the plaintiff at any time before the defendant may be arrested, or afterwards whenever the defendant shall have been discharged from the arrest on bail or otherwise.

Fourth. The plaintiff shall deliver or cause to be delivered to the marshal with the writ a copy of the affidavit upon which the warrant was issued, subscribed by himself or attorney. The marshal, upon the delivery of the writ, shall indorse thereon the date of the receipt, and upon the arrest of the defendant shall deliver to him a copy of the writ and such copy of the affidavit. The marshal shall execute the writ by arresting the defendant and keeping him in custody until discharged by law.

SEC. 100. The defendant, at any time before execution, shall be discharged from the arrest, either upon giving bail or upon depositing the amount mentioned in the writ of arrest, as provided in this chapter.

SEC. 101. The defendant may give bail by causing a written undertaking to be executed in favor of the plaintiff by sufficient sureties, stating their places of residence, to the effect that the defendant shall at all times render himself amenable to the process of the court during the pendency of the action, and to such as may be issued to enforce the judgment therein, or if he be arrested for the cause mentioned in the third subdivision of section 98, an undertaking to the same effect as that provided by section 127.

SEC. 102. At any time before failure to comply with the undertaking the bail may surrender the defendant in their exoneration, or he may surrender himself to the marshal in the following manner:

First. A certified copy of the undertaking of the bail shall be delivered to the marshal, who shall detain the defendant in his custody thereon as upon a writ of arrest, and shall, by a certificate in writing, acknowledge the surrender.

Second. Upon a production of a copy of the undertaking and marshal's certificate, the court may, upon a notice to the plaintiff of eight days, with a copy of the certificate, order that the bail be exonerated, and on filing the order and the papers used on the application with the court where the action is pending they shall be exonerated accordingly. But this section shall not apply to an arrest for cause mentioned in the third subdivision of section 98 so far as to discharge the bail from an undertaking given to the effect provided by section 127.

SEC. 103. For the purpose of surrendering the defendant, the bail at any time and place, before they are finally charged, may themselves arrest him, or by a written authority, indorsed on a certified copy of the undertaking, may empower the marshal or any other person of suitable age and discretion to do so.

SEC. 104. In case of the failure to comply with the undertaking, the bail may be proceeded against by action only.

SEC. 105. The bail may be exonerated, either by the death of the defendant or his imprisonment in the penitentiary, or by his legal discharge from the obligation to render himself amenable to the process, or by his surrender to the marshal or any deputy in execution thereof, within twenty days after the commencement of the action against the bail or within such further time as may be granted by the court.

SEC. 106. Within five days after the execution of the undertaking of the bail the marshal or deputy having the defendant in custody shall deliver to the plaintiff or his attorney, or such other person as the plaintiff may direct, a certified copy of the undertaking, with the data of the arrest indorsed thereon. In any other case the marshal may mail such copy within the same time to the plaintiff or his attorney, within the district, or to either of them, as the plaintiff may direct. The plaintiff, within ten days from the delivery of such copy, or fifteen days from the mailing of the same, if sent by mail, may serve upon the marshal or deputy for the defendant in custody a notice that he does not accept the bail, or he shall be deemed to have accepted it, and the marshal shall be exonerated from liability. If no notice be served within ten days, the original undertaking shall be filed with the court where the action is pending.

SEC. 107. On the receipt of such notice the marshal or defendant may, within ten days thereafter, give to the plaintiff or his attorney notice of the justification of the same or other bail, specifying the place of residence and occupation of the latter, before a judge of the district court or clerk of the court where the action is pending, or a commissioner, at a specified time and place, the time to be not less than five nor more than ten days thereafter. In case neither the plaintiff nor his attorney reside within 100 miles from where the arrest is made, the notice may be served upon the person, and in the manner provided for serving the copy of the undertaking in the section last preceding. In case other bail be given there shall be a new undertaking, in the form and to the effect prescribed in section 101.

SEC. 108. The qualifications of bail shall be as follows:

First. Each of them shall be a resident within the district; but no counselor or attorney at law, marshal, deputy marshal, commissioner, clerk of any court, or other officer of any court shall be permitted to become bail in any action.

Second. Each of them shall be worth the amount specified in the writ of arrest, or the amount to which the same may be reduced as provided in this chapter, over and above all debts and liabilities, and exclusive of property exempt from execution; but the judge, clerk, or commissioner on justification may allow more than two sureties to justify severally in amounts less than that expressed in the writ, if the whole justification shall be equivalent to that of two sufficient bail.

SEC. 109. For the purpose of justification each of the bail shall attend before the judge, commissioner, or clerk at the time and place mentioned in the notice, and may be examined on oath, on the part of the plaintiff, touching his sufficiency, in such manner as the judge, commissioner, or clerk in his discretion may think proper. The examination shall be reduced to writing and subscribed by the bail, if required by the plaintiff.

SEC. 110. If the judge, commissioner, or clerk shall find the bail sufficient, he shall annex the examination to the undertaking, indorse his allowance thereon, and cause them to be filed with the clerk of the court in which the action is pending; and the marshal shall thereupon be exonerated from liability.

SEC. 111. The defendant may, at the time of his arrest, instead of giving bail, deposit with the marshal the amount mentioned in the writ. Thereupon the marshal shall give the defendant a certificate of the deposit made and the defendant shall be discharged out of custody.

SEC. 112. The marshal shall, within ten days after the deposit, pay the same into the court, and take from the clerk receiving the same two certificates of such payment, the one of which he shall deliver to the plaintiff or his attorney and the other to the defendant. For any default in making such payment, the same proceedings may be had on the official bond of the marshal to collect the sum deposited as in other cases of delinquency.

SEC. 113. If money be deposited, as provided in the last two sections, bail may be given and justified upon notice, as prescribed in section 101, at any time before judgment, and on the filing of the undertaking and justification with the clerk the money deposited shall be refunded by such clerk to the defendant.

SEC. 114. When money shall have been so deposited, if it remain on deposit at the time of an order or judgment for the payment of money to the plaintiff, the clerk shall, under the direction of the court, apply the same in satisfaction thereof, and, after satisfying the judgment, shall refund the surplus, if any, to the defendant. If the judgment be in favor of the defendant, the clerk shall refund to him the whole sum deposited and remaining unapplied.

SEC. 115. If, after being arrested, the defendant escape or be rescued, or bail be not given or justified, or a deposit be not made instead thereof, the marshal himself shall be liable as bail; but he may discharge himself from such liability by the giving and justification of bail, as provided in sections 107, 108, 109, and 110, at any time before process against the person of the defendant to enforce an order or judgment in the action.

SEC. 116. If a judgment be recovered against the marshal upon his liability as bail, and an execution thereon be returned unsatisfied, in whole or in part, the same proceedings may be had on his official bond for the recovery of the whole or any deficiency as in other cases of delinquency.

SEC. 117. The bail taken upon arrest shall, unless they justify, or other

bail be given or justified, be liable to the marshal by action for any damages which he may sustain by reason of such omission.

SEC. 118. The fees which shall be allowed to the marshal for the food and maintenance of any defendant arrested under the provisions of this chapter shall be as provided by law, and the plaintiff shall be liable in the first instance for such fees, and if required by the marshal, shall pay the same weekly in advance; and such fees so paid shall be added to the disbursements taxed or accruing in the case, and be collected as other disbursements.

SEC. 119. If the plaintiff shall neglect to pay such fees for three days after a demand of payment, the marshal may discharge the defendant out of custody.

SEC. 120. A defendant arrested may, at any time before judgment, apply on motion to the court or judge thereof in which the action is pending, upon notice to the plaintiff, to vacate the writ of arrest.

SEC. 121. If a motion be made upon affidavits or other proofs on the part of the defendant, but not otherwise, the plaintiff may oppose the same by affidavits or other proofs in addition to those upon which the writ was issued. If upon the hearing of such motion it shall satisfactorily appear that there was not sufficient cause to allow the writ, or that there is other good cause which would entitle him to be discharged upon habeas corpus, the same shall be vacated, or in case he has given bail the court may discharge the same or reduce the amount thereof upon good cause shown.

The following committee amendment to section 665 as renumbered was read, and agreed to:

In line 5 strike out "punishment for a felony" and insert "criminal prosecution."

The following committee amendment to section 667 as renumbered was read, and agreed to:

In line 12, after the word "sustained," insert the word "by."

The following committee amendment to section 669 as renumbered was read, and approved:

In line 4 strike out the words "ninety-five" and insert in lieu thereof the words "sixty-seven."

The following committee amendment was read, and agreed to:

Strike out all of lines 1, 2, and 3, on page 317, being old section 698.

The following committee amendment to section 673 as renumbered was read, and agreed to:

Strike out, in line 2, all after the word "due," all of lines 3 and 4, and insert in lieu thereof the words "and no evidence thereof shall be permitted."

The following committee amendment to section 674 as renumbered was read, and agreed to:

In line 1 strike out "a suit" and insert "an action."

The following committee amendments to section 676 as renumbered were read, and agreed to:

In line 8 strike out "suit."

In line 9 strike out "suit."

In line 12 strike out "suit."

The following committee amendment to section 680 as renumbered was read, and agreed to:

Strike out, in line 8, all after the word "party" and all of line 9.

The following committee amendment to section 683 as renumbered was read, and agreed to:

In line 3 strike out the word "suit."

The following committee amendment was read, and agreed to:

Strike out all of old section 713, on page 322.

The following committee amendment to section 686 as renumbered was read, and agreed to:

Strike out, in line 2, the word "by;" strike out all of lines 3, 4, and 5.

The following committee amendments to section 687 as renumbered were read, and agreed to:

In line 1 strike out "code" and insert "title."

In lines 2 and 3 strike out "as prescribed in the last section."

The following committee amendment to section 689 as renumbered was read, and agreed to:

In line 2 strike out "at law and in equity."

The following committee amendments to section 692 as renumbered were read, and agreed to:

Strike out, in line 7, the word "or."

Strike out, in line 7, all after the word "marry" and all of line 8.

The following committee amendments to section 695 as renumbered were read, and agreed to:

Strike out, in line 9, the word "decree."

Strike out, in line 11, the word "suit."

Strike out, in line 17, the word "suit."

Strike out, in line 18, the word "code" and insert "title."

Strike out, in line 19, the word "suit."

Mr. BARTLETT. I desire to ask the chairman of the Committee on Revision of the Laws [Mr. WARNER] to agree that the section with reference to contempts may not be taken up until after we get through with this bill, and until Monday.

Mr. WARNER. I will agree that it shall not be taken up until we finish the reading of the bill, whenever that is.

Mr. BARTLETT. Several gentlemen who desire to be here when that is considered do not desire to remain here to-day. It would accommodate us very much if the gentleman could see his way clear to agreeing that it shall not be taken up until Monday.

Mr. WARNER. I will agree that the chapter shall not be taken up until we finish the bill.

Mr. BARTLETT. It is scarcely possible to finish it to-day.

Mr. WARNER. I do not think it is possible to finish it to-day,

and I will say that that matter shall not be taken up until Monday.

Mr. BARTLETT. Monday; all right.

The following committee amendment to section 696 as renumbered was read, and agreed to:

In line 3 strike out "code" and insert title."

The following committee amendments to section 697 as renumbered were read, and agreed to:

In line 5 strike out "suit."

In line 12 strike out "suit."

In line 19 strike out "code" and insert "title."

The following committee amendment was read, and agreed to:

Strike out all of old section 728, on pages 327 and 328, and add a new section to be numbered 698, as follows:

"SEC. 698. Whenever it appears that the judge of the district court presiding in the division where the action is pending is disqualified under the provisions of the section last preceding the action shall be transferred to another division of said court unless a judge of another division will appear and preside during the disposition thereof: *Provided, however*, That the parties may by written stipulation agree upon a member of the bar of said court to try the same."

Mr. LACEY. I should like to call attention to a very possible difficulty growing out of the form in which this amendment is reported. It refers to certain sections. Now, the sections will be renumbered, and I think it would be better to refer by page and line.

Mr. WARNER. When the conclusion of the bill is reached, we shall pass a resolution authorizing the Clerk to renumber the sections and to change the cross references.

Mr. LACEY. That does not cover this, because this is a question of amendment.

Mr. WARNER. The bill as now renumbered refers to the new numbers.

Mr. LACEY. But we have stricken out whole chapters. I suggest the propriety of making these references by page.

Mr. WARNER. No; the proper way is to refer to the numbers as they appear now, and then, when the numbers are changed, the cross references will also be changed. There will be no difficulty about that.

The following committee amendments to section 699 as renumbered were read, and agreed to:

In line 2 strike out "suit."

In line 6 strike out "suit."

[Mr. FITZGERALD of Massachusetts addressed the committee. See Appendix.]

The amendment to section 705 was read, as follows:

In line 3 strike out the word "suit."

The amendment was agreed to.

The amendments to section 706 were read, as follows:

On page 4, after the word "on" and before the word "legal," insert the word "a;" in the same line strike out the word "holidays" and insert the word "holiday."

The amendments were agreed to.

The amendment to section 709 was read, as follows:

In line 2 strike out the word "suit."

The amendment was agreed to.

The amendment to section 711 was read, as follows:

In line 1 strike out the word "suit."

The amendment was agreed to.

The amendments to section 714 were read, as follows:

In lines 4 and 6 strike out the word "suit;" in line 8 strike out the words "a suit in equity" and insert "an action of an equitable nature."

The amendments were agreed to.

The Clerk read as follows:

Amend by striking out section 745 (old number).

The amendment was agreed to.

The amendments to section 715 were read, as follows:

In line 2 strike out the word "and," and after the word "territory" insert the words "and district;" in line 3 strike out the words "or in the District of Columbia;" in line 5 strike out the words "or district" and insert the words "and district;" in line 11 strike out the words "or decree."

Mr. CAMPBELL. I would like to object to the striking out of the word "decree," in line 11, unless there is some explanation why it should be stricken out. Under a code practice "decree" is just as distinct from judgment as it was under common law.

Mr. WARNER. The term action applies to all. The reason why it was stricken out was because all final orders are entered as judgments. "Judgment" takes the place of "decree" all the way through this code. The final action in a suit of an equitable nature is a judgment, the same as under the common law.

Mr. CAMPBELL. "Decree" is necessary. That is going into equity practice.

Mr. WARNER. "Equity" is knocked out of this code. Everything is simply an "action."

Mr. CAMPBELL. I understand they have abolished in the Territory all distinction between law and equity. Still, nevertheless,

a decree is distinct from a judgment, and, it seems to me, there ought to be some distinction made in this code.

Mr. WARNER. Now, the very fact that you abolish the distinction between law and equity is the reason why you should abolish the use of the word "decree." The word "decree" is not used in an equitable action under this code. It is simply a civil action.

Mr. CAMPBELL. Do you contend that because they have attempted to abolish the distinction between law and equity there is no such thing as equity.

Mr. WARNER. Oh, no; there are suits of an equitable nature. "A rose under any other name would smell as sweet."

Mr. PAYNE. They have abolished the distinction between law and equity, and it is simply a distinction between a proceeding in law and a proceeding in equity.

Mr. WARNER. They have simply adopted one style of proceeding, or method of proceeding, in all actions, whether of a legal or equitable nature.

Mr. KING. Notwithstanding the adoption of a code, and notwithstanding there is but one form of a civil action, still a judge in trying an equitable action sits as a chancellor, and prepares his findings of facts and conclusions of law in a decree predicated upon the same. Is not that a decree instead of a judgment?

Mr. WARNER. A judgment there is the same as a bill of complaint. Instead of being a bill, as it would be in a common-law suit, it is known as a complaint; instead of a declaration, it is a complaint; instead of a plea, it is an answer.

Mr. CAMPBELL. If the gentleman will examine the code of New York or California, or any of those States, notwithstanding they have but one form of civil action, they still recognize the distinction between judgment and decree. A judgment is that result which obtains in an action at law and a decree is that which follows a suit in equity.

Mr. WARNER. They have no action at law or equity. A civil action covers everything.

Mr. CAMPBELL. It is just as much an action at law or equity, except that you abolish the style of the form of the action.

Mr. WARNER. They are both equitable propositions, if it is an action of an equitable nature, but they simply call everything a judgment.

Mr. CAMPBELL. Will the gentleman permit a question?

Mr. WARNER. With pleasure.

Mr. KING. If the gentleman will examine the code of California he will find it is called a decree in contradistinction with judgment in what might properly be called common law. When the court makes its final action it is called a decree.

Mr. CAMPBELL. In an action for the partition of property, what would you call a decision that provided for the distribution of the property, but which was not a final decree?

Mr. WARNER. I should call it an interlocutory judgment. It is simply the use of a word; that is all. It does not amount to anything, but the people up there in the Juneau convention preferred to use the word "judgment."

Mr. PAYNE. I agree with the gentleman from Illinois that it does not make any difference whether you call it a decree or a judgment. I think the great trouble is that the gentlemen who framed this bill—I do not say the gentleman from Illinois—in copying the code of New York, have not borne in mind the fact that the New York civil code is only a code of civil procedure; that it relates to the civil procedure from beginning to end. Of course there may be occasionally a provision where a member of the legislature who, not knowing what the original idea was, may have tacked on some amendment that goes a little beyond the line of procedure. But that is the definite idea of the code, and hence we have no acts relating to evidence in it which seems to have been copied into this bill.

Mr. WARNER. The gentleman is in error in saying that this is copied from the New York code. It is the Oregon code that is copied here.

Mr. PAYNE. Yes; but all the codes get their origin from the New York code. Some of the Western States have gone beyond the method of procedure and tried to codify everything else.

Mr. CAMPBELL. Does this section correspond with the other provisions of the act all the way through?

Mr. WARNER. It does; all the way through.

Mr. CAMPBELL. I will withdraw my objection, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection.

The following committee amendments to section 716 were agreed to:

In line 9 strike out the word "clerk" and insert "secretary."

In line 10 strike out the word "court."

On page 335 the word "seventy-six," after the word "chapter," was stricken out and "seventy-four" inserted.

The following committee amendments to section 720 were read, and agreed to:

In line 12, page 336, strike out the word "suit."
In line 15, page 337, strike out the word "suit."
In line 19 insert, after the word "orders," the word "and;" and strike out, after the word "judgment," "and decrees."
On page 337 strike out the word "seventy-seven" and insert "seventy-five;" and after the word "attorneys" strike out "and their admission."

The amendment striking out section 752, old number, was agreed to.

The following committee amendments to section 720 as renumbered were agreed to:

In line 1 strike out the word "suit."
In lines 7 and 8 strike out the words "except as provided in the last section."

Mr. GIBSON. Mr. Chairman, I wish to call attention to the fact that the words "and their admission" at the head of this chapter are to be stricken out.

The CHAIRMAN. The Chair will say that that was included in the amendment and is stricken out.

The committee amendments to section 724 as renumbered were agreed to, as follows:

Page 1, after the word "examination," strike out "he" and insert "the applicant."

In line 5, before the words "in office," insert the words "or herself."
In line 8 strike out "possesses" and insert "possessor."
In line 11, after the word "order," insert "and payment of the legal fee."

Mr. OLMSTED. Mr. Chairman, at the end of line 11, page 339, I move to insert the words "or she."

The CHAIRMAN. The Clerk will report the amendment.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. LITTLEFIELD having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolution of the following titles:

On May 23, 1900:

H. R. 92. An act to amend section 864 of the Revised Statutes of the United States, in relation to taking depositions de bene esse.

On May 24, 1900:

H. R. 7740. An act to amend section 8 of the act of Congress entitled "An act to authorize the Fort Smith and Western Railroad Company to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes; and

H. R. 969. An act to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888.

On May 25, 1900:

H. R. 527. An act granting a pension to Lucy D. Young;
H. R. 548. An act granting a pension to Edward Harris;
H. R. 2621. An act granting a pension to Ida Wiederhold;
H. R. 4649. An act granting a pension to William Bates;
H. R. 8107. An act granting a pension to Nancy W. Hadley;
H. R. 9163. An act granting a pension to Ferguson M. Burton;
H. R. 9643. An act granting a pension to Ada E. Whaley;
H. R. 1625. An act granting an increase of pension to Mary B. Douglass;

H. R. 2634. An act granting an increase of pension to Erasmus Darwin Steen;

H. R. 2708. An act granting an increase of pension to Cecelia B. Chauncey;

H. R. 3490. An act granting an increase of pension to Freeman H. Farr;

H. R. 3514. An act granting an increase of pension to Mary A. C. Kaigler;

H. R. 3778. An act granting an increase of pension to Ellsey A. Sloane;

H. R. 4086. An act granting an increase of pension to Jeremiah Lockwood;

H. R. 4440. An act granting an increase of pension to Harriet L. Hughes;

H. R. 4422. An act granting an increase of pension to William H. Brookins;

H. R. 4760. An act granting an increase of pension to Samuel G. Trine;

H. R. 6494. An act granting an increase of pension to Dorus N. Fox;

H. R. 7180. An act granting an increase of pension to Amelia A. Taylor;

H. R. 7230. An act granting an increase of pension to Roxie B. Salter;

H. R. 7975. An act granting an increase of pension to William F. Riley;

H. R. 8389. An act granting an increase of pension to Martin D. Miller;

H. R. 8799. An act granting an increase of pension to William Feek;

H. R. 8801. An act granting an increase of pension to William H. H. Macdonald;

H. R. 9751. An act granting an increase of pension to David H. Drake;

H. R. 4355. An act granting an increase of pension to Oren E. Barber;

H. R. 4398. An act granting a pension to Julius Vogt;

H. R. 9559. An act to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.;

H. R. 9711. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 6876. An act providing for the transfer to Post 39, Grand Army of the Republic, at Lawrence, Mass., of certain guns now in possession of Battery C, Massachusetts Volunteer Militia;

H. R. 10538. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901; and

H. R. 6634. An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes,

On May 25, 1900:

H. J. Res. 255. Joint resolution to print the annual reports of the American Historical Association.

On May 26, 1900:

H. R. 5882. An act making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901;

H. R. 8369. An act to detach the county of Concho from the western judicial district of Texas and attach the same to the northern judicial district of Texas, and for other purposes;

H. R. 5552. An act for the relief of Northrup & Chick, and also of Thomas N. Stinson; and

H. R. 11081. An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.

CIVIL CODE FOR ALASKA.

The committee resumed its session.

The Clerk read as follows:

At the end of line 11, page 339, after the word "he," insert "or she."

The amendment was agreed to.

On page 340, first line, the words "seventy-eight" was stricken out and "seventy-six" inserted.

The committee amendment to strike out section 759, old number, was agreed to.

The following committee amendments to section 736 were agreed to:

In line 3 strike out the word "suit."

In line 7 strike out the word "suit."

In line 8 strike out the words "or decree."

In line 11 strike out the words "or decree."

In line 13 strike out the words "or decree."

The amendments to section 729 as renumbered were agreed to, as follows:

In line 1 strike out the word "suit."

In lines 2 and 3 strike out the words "or decree."

The committee amendments to section 731 as renumbered were agreed to, as follows:

In line 10 strike out the word "suit."

In line 13 strike out the words "or decree."

In line 17 strike out the words "or decree."

In line 18 strike out the words "or decree."

In line 30 strike out the word "suit."

On page 343 the words "Chapter 80. Of the resignation of attorneys and effect thereof" were stricken out.

The committee amendments striking out section 776 and section 767, old numbers, were agreed to.

The words "Chapter 81. Of the removal or suspension of attorneys and the summary power of court over," on page 344, were stricken out.

The Clerk read section 732 as renumbered.

Mr. CAMPBELL. Mr. Chairman, I would like to have that section passed until I can prepare an amendment.

The CHAIRMAN. The gentleman from Montana asks unanimous consent that section 732 as renumbered be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

The amendment to section 737 was agreed to, as follows:

In line 5 strike out "at law."

The amendment to section 741 as renumbered was agreed to, as follows:

In line 3 strike out the word "sixty-five" and insert "thirty-one."

On page 347 the amendment to strike out the word "eighty-two" and insert "seventy-seven" was agreed to.

The committee amendment to strike out section 778, old number, was agreed to.

Committee amendments to renumbered section 742 were read, and agreed to, as follows:

In line 2 and line 6 strike out "suit."
In lines 10, 13, and 16 strike out "or decree."
In line 21 strike out "provided in this code."
On page 349, strike out "eighty-three" after the word "chapter," and insert "seventy-eight."

Committee amendment to section 744 as renumbered was read, and agreed to, as follows:

In line 3 strike out "suit."

Committee amendment to section 745 as renumbered was read, as follows:

In lines 3 and 4 strike out "for every trial by the court, \$6; for every judgment or decree given without trial, \$3."

Committee amendment to strike out, on page 351, after the word "chapter," the words "eighty-four" and insert "seventy-nine" was read, and agreed to.

Committee amendment to section 752 as renumbered, to strike out in line 2 the word "code" and insert "act," was agreed to.

Committee amendment to section 758 as renumbered, to strike out in lines 1 and 3 the word "judgments," was agreed to.

Committee amendments to section 760 as renumbered were agreed to, as follows:

In line 6 strike out "five" and insert "two."
In line 8 strike out "\$2" and insert "50 cents."
In same line strike out "except for" and insert "include."
In line 9 insert, before the word "claims," the word "such;" and in the same line, after the word "claims," insert "50 cents."
In lines 10 and 11 strike out "for which there shall be allowed 50 cents for each claim presented and allowed or disallowed."

In line 12 strike out "\$5" and insert "\$1."
Strike out the last paragraph of the section, as follows:
"But the entire costs of such commissioners for all duties rendered and performed in the administration of any estate shall not exceed \$50."

Committee amendment to strike out, on page 357, "eighty-six," after "chapter," and insert "eighty-one," was read, and agreed to.

Committee amendment to section 763 as renumbered, to strike out, in line 4, the words "ninety-eight" and insert "sixty-one," was read, and agreed to.

Committee amendment to strike out in section 774 as renumbered the word "eight," in line 9, and insert "seven," and to strike out, in the same line, the word "nine" and insert "seventy-two," was read, and agreed to.

Committee amendment to section 777 as renumbered, to strike out "suit," in line 5, was read, and agreed to.

Committee amendment to section 778 as renumbered, striking out "eight," in line 4, and inserting "seven," and striking out "nine," in the same line, and inserting "seventy-two," was read, and agreed to.

Committee amendment to section 786 as renumbered, striking out, at the end of the section, the words "or a married woman," was read, and agreed to.

Committee amendment to insert, in lines 11 and 12 of section 788 as renumbered, the words "to administer the estate of said" was read, and agreed to.

Committee amendments to section 798 as renumbered were read, and agreed to, as follows:

In line 2 insert "personal" before the word "property."
In line 3 strike out "both real and personal."
In line 4 strike out "thereof" and insert "of the real estate."

Committee amendments to section 802 as renumbered were read, and agreed to, as follows:

In line 8 strike out "eight" and insert "seven."
In lines 8 and 9 strike out "thirty-six" and insert "ninety-nine."
In line 9 strike out "and thirty-seven."
In line 10 strike out "thirty-eight" and insert "one."

Committee amendment to strike out, after the word "chapter," on page 374, the words "eighty-eight" and insert "eighty-three" was read, and agreed to.

The following committee amendment to section 806 as renumbered was read, and agreed to:

Strike out, after the word "purpose," in line 7, the words "but such order shall not be made unless it appear probable that the estate is sufficient to satisfy all the debts and liabilities of the deceased, and pay the expenses of administration in addition to the payment of such amount."

Committee amendment to strike out, on page 376, after the word "chapter," the words "eighty-nine" and insert "eighty-four," was read, and agreed to.

Committee amendment to section 813 as renumbered was read, and agreed to, as follows:

In line 1 and in lines 8 and 9 strike out the words "or decree."

Committee amendment to renumbered section 814, striking out the words "or decree" in lines 1 and 2 and in line 7, was read, and agreed to.

Committee amendment to renumbered section 817, striking out the word "suit" in line 6, was read, and agreed to.

Committee amendment striking out, after the word "chapter," on page 381, the word "ninety" and inserting "eighty-five," was read, and agreed to.

Committee amendment to renumbered section 827, striking out,

in line 3, the word "fifty-seven" and inserting "twenty," was read, and agreed to.

Committee amendment to renumbered section 843, striking out "seventy-six," in line 2, and inserting "thirty-nine," was read, and agreed to.

The following committee amendments to renumbered section 845 were read, and agreed to:

In line 15 strike out "suit."
In line 16, after the word "sale," insert "or."
In line 18 strike out "or decree."

Committee amendment to renumbered section 846, inserting, after "transfer," in line 4, the word "or," and striking out, after the word "judgment," in the same line, the words "or decree," was read, and agreed to.

Committee amendment to renumbered section 847, striking out, in line 4, the words "eighty-two" and inserting "forty-five," was read, and agreed to.

Committee amendment striking out, on page 372, the words "ninety-one," after the word "chapter," and inserting "eighty-six" was read, and agreed to.

Committee amendment to renumbered section 852, striking out, at the end of the section, the words "and decree," was read, and agreed to.

Committee amendment to renumbered section 853, striking out "suit," in line 4, was read, and agreed to.

The following committee amendments to renumbered section 859 were read, and agreed to:

In line 7 strike out "eighty-eight" and insert "fifty-one."
In line 9 strike out "eighty-six" and insert "forty-nine."

Committee amendment striking out "ninety-two," on page 397, after the word "chapter," and inserting "eighty-seven," was read, and agreed to.

Committee amendment to renumbered section 861, striking out, in line 3, the words "or decree," was read, and agreed to.

Committee amendments to renumbered section 863, striking out, in lines 2, 3, and 9, the words "or decree," were read, and agreed to.

Committee amendment to renumbered section 864, striking out "ninety-eight" and inserting "sixty-one" was read, and agreed to.

Committee amendment to renumbered section 868, striking out, in line 4, "eighty-seven" and inserting "fifty," was read, and agreed to.

Committee amendment to renumbered section 875, striking out, in line 7, the word "decree" and inserting "judgment," was read, and agreed to.

Committee amendment striking out at the top of page 403 the words "ninety-three," after the word "chapter," and inserting "eighty-eight" was read, and agreed to.

Committee amendment to renumbered section 891, striking out, in line 1, the word "suit" and inserting "action," was read, and agreed to.

The following committee amendment to section 909 was read, and agreed to:

In line 3 strike out "forty-four" and insert "seven."

The following committee amendment to section 910 was read, and agreed to:

In line 3 strike out "forty-five" and insert "eight."

The following committee amendment to section 927 was read, and agreed to:

In line 5 strike out "suit" and insert "action."

The following committee amendment to section 930 was read, and agreed to:

In line 7, after the word "accounts," insert "allowing or rejecting claims."

The following committee amendment to section 951 was read, and agreed to:

In line 3 strike out "suit" and insert "action."

The following committee amendment to section 986 was read, and agreed to:

In line 2, after the word "party," insert "or his attorney."

The following committee amendment was read, and agreed to:
On page 441 strike out all of old section 1023.

The following committee amendment to section 991 was read, and agreed to:

In line 1 strike out "ten" and insert "twenty."

The following committee amendment to section 994 was read, and agreed to:

After line 7 insert:
"If the appellant fail to file such transcript within the time required, the adverse party may file a transcript of the judgment of the justice, and the notice and undertaking on appeal, which, on demand, the justice shall deliver to him for that purpose, and thereupon have such appeal dismissed and judgment against the appellant and his sureties as provided in section 994."

The following committee amendment to section 997 was read, and agreed to:

In line 6 strike out "fifty-six" and insert "fifty-five."

The following committee amendments to section 1002 were read, and agreed to:

In line 1 strike out "fifty-nine" and insert "fifty-eight."
Strike out "code" and insert "title."

The following committee amendment to section 1016 was read, and agreed to:

In line 3 strike out "sixty-one" and insert "twenty-two."

The following committee amendment to section 1020 was read, and agreed to:

In line 2, after the word "chapter," insert "thirty-two."

The following committee amendments were read, and agreed to:

Amend the title of chapter 100 by striking out "statute of frauds—witnesses—evidence" and insert "of witnesses, inspection and proof of record and of private seals."

Strike out sections 1060, old number, and 1061, old number.

The following committee amendment to section 1022 was read, and agreed to:

Strike out all of the section after the word "law," in line 7.

The following committee amendment was read, and agreed to:

Strike out all of section 1063, old number.

The following committee amendment to section 1025 was read, and agreed to:

Strike out all of subdivisions 3 and 4, old numbers.

The following committee amendment was read, and agreed to:

Strike out all of section 1067, old number.

The following committee amendment was read, and agreed to:

Amend section 1029 to read as follows:

"SEC. 1029. The uninterrupted adverse notorious possession of real property under color or claim of title for fifteen years or more shall be conclusively presumed to give title thereto."

The following committee amendment to section 1030 was read, and agreed to:

In line 4 strike out "conclusively," and after "presumed" insert "prima facie."

The following committee amendment to section 1031 was read, and agreed to:

After line 24 insert the following:

"(7) An agreement concerning real property made by an agent of the party sought to be charged, unless the authority of the agent be in writing.

"SEC. 1032. No evidence is admissible to charge a person upon a representation as to the credit, skill, or character of a third person unless such representation or some memorandum thereof be in writing, and either subscribed by or in the handwriting of the party to be charged.

"SEC. 1033. No estate or interest in real property, other than a lease for a term not exceeding one year, nor any trust or power concerning such property, can be created, transferred, or declared otherwise than by operation of law, or by a conveyance or other instrument in writing subscribed by the party creating, transferring, or declaring the same, or by his lawful agent under written authority, and executed with such formalities as are required by law.

"SEC. 1034. The last section shall not be construed to affect the power of a testator in the disposition of his real property by a last will and testament, nor to prevent a trust arising or being extinguished by implication or operation of law, nor to affect the power of a court to compel specific performance of an agreement in relation to such property.

"SEC. 1035. A sale or transfer of a boat or vessel is not valid unless it be in writing and signed by the party making the transfer."

In Title III, Civil Code for the District of Alaska, chapter 1, page 458, the following committee amendment to section 2 was read, and agreed to:

In line 6, after the word "precincts," insert the word "shall."

In chapter 2, "Of husband and wife," the following committee amendment to section 6 was read, and agreed to:

In line 2 strike out "had" and insert "has."

The following committee amendment to section 9 was read, and agreed to:

In line 3, after the word "presence," insert "of each other and."

The following committee amendment to section 10 was read, and agreed to:

In line 2, after the word "thereto," strike out "if required."

The following committee amendment to section 11 was read, and agreed to:

In line 5, after the word "person," strike out "if such person was acting at the time in the office of the capacity of a person authorized to solemnize marriage."

The following committee amendment to section 14 was read, and agreed to:

In line 5, after the word "and," insert "to the same extent."

The following committee amendment to section 16 was read, and agreed to:

In line 3, after the word "property," insert "for their mutual benefit."

The following committee amendment to section 17 was read, and agreed to:

In line 3 strike out "declared" and insert "provided."

The following committee amendment was read, and agreed to:

On page 463 strike out all of section 21.

The following committee amendment to the title of chapter 4 was read, and agreed to:

After the word "children" strike out "and change of name."

The following committee amendment to section 21 as renumbered was read, and agreed to:

In line 2, after the word "precinct," strike out "of his residence" and insert "in which the child resides or may be found."

The following committee amendment to section 22 as renumbered was read, and agreed to:

In line 7 strike out "next friend" and insert "guardian ad litem."

The following committee amendment was read, and agreed to:

Amend section 23 as renumbered to read as follows:

"SEC. 23. If either parent is insane or imprisoned in a penitentiary under a sentence for a term not less than three years, or has willfully deserted and neglected to provide proper care and maintenance for the child for one year next preceding the time of filing the petition, or is an unfit person to have the care and custody of the child, the commissioner may proceed as if such parent were dead, and in his discretion may appoint some suitable person to act in the proceeding as guardian ad litem of the child, and give or withhold the consent aforesaid; but in all cases notice to the parent not laboring under said disabilities of insanity or imprisonment mentioned in this section shall be required."

The following committee amendment to section 24 was read, and agreed to:

* Amend the section to read as follows:

"SEC. 24. If a parent does not consent to the adoption of his or her child, the commissioner shall order a copy of the petition and order thereon served on him and the child personally, if found in the district, and if not, that a notice thereof be published once a week for three successive weeks in such newspaper as the commissioner directs, the last publication to be at least four weeks before the time appointed for the hearing, and in all cases a copy of the petition and order shall be served on the child. Like notice shall also be published when a child has no parent living and no guardian or next of kin in said district. The commissioner may order such further notice as he deems necessary or proper."

The following committee amendment to section 25 was read, and agreed to:

In line 3, after the word "consent," insert "given the commissioner on privy examination."

The following committee amendment to section 27 was read, and agreed to:

In line 2, after the word "inheritance," insert "of such child."

The following committee amendment to section 28 was read, and agreed to:

In line 2 strike out "same" and insert "said proceeding."

Amend section 29 to read as follows:

"SEC. 29. Any petitioner, parent, or other party to the proceedings may appeal to the district court from the judgment of the commissioner on such petition in like manner as appeals may be taken from judgments of such commissioner in proceedings respecting the administration of estates of decedents; and any child made the subject of such petition may, by his guardian ad litem, appeal in like manner; but no bond shall be required of, or costs awarded against, such child or guardian ad litem."

The following committee amendment was read, and agreed to:

Amend sections 30 and 31 to read as follows:

"SEC. 30. A parent who has not, before the hearing of a petition for the adoption of his child, had personal notice thereof, may, at any time within one year after actual notice, apply to the district court to reverse the judgment, and the court, after due notice, may, in its discretion, reverse or modify the same.

"SEC. 31. If in a petition for the adoption of a child a change of the child's name is requested, the commissioner upon adjudging the adoption may also adjudge such change of name and grant a certificate thereof without the notice required by the following sections."

The amendment to section 32, chapter 5, was read, as follows:

In line 5, strike out the word "consistent" and insert the words "not inconsistent."

The amendment was agreed to.

The amendments to section 33 were read, as follows:

In line 1 strike out the word "decreeing" and insert the word "adjudging;" in line 6 strike out the word "decreed" and insert the word "adjudged."

The amendments were agreed to.

The amendments to section 34 were read, as follows:

In line 1 strike out the word "male" and insert the word "all;" in line 3 strike out the words "and females at the age of 18 years;" in line 5, before the word "have," strike out the word "and."

The amendments were agreed to.

The Clerk read as follows:

Amend by striking out section 36, old number.

The amendment was agreed to.

The Clerk read as follows:

SEC. 36. The widow of every deceased person shall be entitled to dower, or the use during her natural life of one-third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage, unless she is lawfully barred thereof.

The amendments were read, as follows:

In line 3 insert, after the word "part," the words "in value;" in the same line strike out the word "was;" in line 4, before the word "seized," insert the word "died;" strike out the remainder of the section after the word "inheritance," in line 4.

Mr. LACEY. I want to call the attention of the chairman of the Committee on the Revision of the Laws to this chapter 7, and ask him whether or not it would not be wise to adopt an amendment so as to make it perfectly clear that the husband can sell his real estate without the wife signing the deed, and that the wife can sell her property without the husband's right as courtesy by failing to sign the deed; and I would further ask him if these two

propositions are fully covered by the amendments, because in a new Territory and region like Alaska it is absolutely essential that the owner of the property should be permitted to sell without having to send the deed back to the States, where his wife may reside. The practice in Colorado and the various mountain States has been, and the laws have been, that dower need not be conveyed before the husband makes the deed.

Mr. CAMPBELL. I think, instead of being as the gentleman says in Montana, we have a section of the statute which provides where the wife does not reside in the territory it is not necessary to have her sign the deed; and I presume it is so in this code.

Mr. LACEY. Some of the Western States have that provision that where the wife does not reside in the territory the wife's surrender is not necessary; in others the wife's surrender is absolutely necessary.

Mr. CAMPBELL. I think that is a very objectionable provision.

Mr. LACEY. I think something of that kind is necessary in Alaska, because very few men will have their families there.

Mr. CAMPBELL. Why should there be any objection to their having a woman sign the deed to real property when she is there in the Territory?

Mr. LACEY. There is no objection to that, except in other cases it would depend upon the fact of her absence. Then it becomes a matter of proof. They have got to go on and prove that she was absent.

Mr. CAMPBELL. Could not that be recited in the deed?

Mr. LACEY. It might not be true. A man might make a deed reciting that his wife was in Montana while making a deed in Alaska, when as a matter of fact she was in an adjoining town.

Mr. CAMPBELL. That would be prima facie.

Mr. LACEY. She ought to sign or be absolutely relieved from signing. In many of the States in the mountains the dower is entirely taken out unless the husband dies seized of the property.

Mr. WARNER. You will find conveyances on page 488, and you could make such propositions as you like for amendment when we reach that point. This is simply the dower.

Mr. CAMPBELL. I would like to ask the chairman of the committee, if he pleases, whether or not there is any provision that a man may convey property when his wife is out of the Territory?

Mr. WARNER. My recollection is that the wife must join in the conveyance; but I am not sure.

Mr. GIBSON. Of the husband's land?

Mr. WARNER. There is nothing saying that he can convey his land free of dower without she joins in it. I think there ought to be an amendment conveying anything other than a homestead; but she would still be required to join in the conveyance of the homestead in order to bar her dower. Any other land I think the husband and the wife should be allowed to convey without joining.

Mr. CAMPBELL. Do you not think that the Montana statute—

Mr. WARNER. When we get to that statute, we can take it up and discuss it. We are now on the question of dower.

The amendments to section 36 were agreed to.

The Clerk read as follows:

Amend by striking out sections 39, 40, 41, 42, 43, and 44, old numbers.

The amendments were agreed to.

The amendment to section 37 was read, as follows:

Strike out, after the word "seized," in the second line, the words "and her right to dower is not disputed by the heirs or devisees, or any person claiming under them or either of them."

The amendment was agreed to.

The amendment to section 38 was read, as follows:

In line 3, after the word "persons," insert the words "as commissioners."

The amendment was agreed to.

The amendments to section 39 were read, as follows:

In line 2, after the word "administer," insert the word "impartially;" in line 6 strike out the word "accepted;" in line 7 insert the words "confirmed by the court;" in line 11, before the word "costs," insert the word "all;" in lines 11, 12, and 13 strike out all after the word "costs" and insert "to be apportioned in the discretion of the court."

The amendments were agreed to.

The amendments to section 40 were read, as follows:

After the word "estate," in line 1, insert the words "or any part thereof;" in line 2, after the word "assigned," strike out the words "consists of a mill or other tenement which can not be divided without damage to the whole, and in all cases where the estate;" in line 4, after the word "be," insert the word "equitably."

The amendments were agreed to.

The amendments to section 41 were read, as follows:

In line 2, after the word "may," insert the words "if residing thereon;" in line 3, after the word "same," insert the words "and enjoy the rents, issues, and profits thereof;" in line 5, after the word "or," insert the words "if not residing thereon."

The amendments were agreed to.

The Clerk read as follows:

Amend by striking out section 50, old number.

The amendment was agreed to.

The amendment to section 42 was read, as follows:

In line 1 strike out the word "also."

The amendment was agreed to.

The amendment to section 45 was read, as follows:

In line 5 strike out the word "with" and insert the word "of."

The amendment was agreed to.

The amendments to section 46 were read, as follows:

Before the word "she," in line 3, insert the words "expressly in lieu of dower;" in line 5 strike out the word "by" and insert the word "of."

The amendments were agreed to.

The amendment to section 47 was read, as follows:

In line 5, after the word "shall," strike out the words "commence proceedings for the assignment or recovery of her dower" and insert "file in the district court her election, in writing, to relinquish her rights under the jointure, devise, or provision."

The amendment was agreed to.

The amendment to section 49 was read, as follows:

In line 5, after the word "seized," insert "of an estate of inheritance."

The amendment was agreed to.

The Clerk read as follows:

Amend by striking out section 50, old number.

The amendment was agreed to.

The amendment to section 50 was read, as follows:

In line 3 strike out the word "her."

The amendment was agreed to.

The amendments to section 52 were read, as follows:

In line 3 strike out the words "a suit" and insert the words "an action;" in line 5 strike out the word "suits" and insert the word "actions."

The amendments were agreed to.

The Clerk read as follows:

Amend by striking out sections 65 and 66, old numbers.

The amendment was agreed to.

The amendment to section 65 was read, as follows:

In lines 1 and 5 strike out the words "suit or."

The amendment was agreed to.

The following committee amendments to section 68 were read, and agreed to:

In lines 3, 4, and 5 strike out the words "provided this section shall not confer the right to vote or hold office upon the wife except as is otherwise provided by law."

In line 8 strike out "the" and insert "all;" and strike out the words "of law or equity."

In line 9 strike out the word "had" and insert "has."

The following committee amendment to section 70 as renumbered was read, and agreed to:

In line 6 insert, after the word "same," "by her own labor or;" and strike out, after the word "bequest," the word "or."

On page 483, after the word "chapter," strike out the word "ten" and insert the word "eleven."

The Clerk read section 72.

Mr. JONES of Washington. Mr. Chairman, I would like to ask the chairman of the committee whether or not this code requires the conveyance of real estate to be by deed?

Mr. WARNER. Yes.

Mr. JONES of Washington. It says it may be by a deed.

Mr. WARNER. It is the only way it could be done.

Mr. JONES of Washington. Will this section require it?

Mr. WARNER. I think so; I think it would be necessary anyway. The transfer of real property may be by deed or devise or decree of court.

Mr. JONES of Washington. It seems to me there is nothing in here that would prohibit it from being transferred orally.

Mr. WARNER. I think there is a statute of frauds in the bill which states that all interest in lands must be in writing.

Mr. JONES of Washington. It seems to me there ought to be something of the kind here.

Mr. OLMSTED. There are provisions in the bill for recording deeds and conveyances.

Mr. JONES of Washington. But that would not prohibit other methods of conveyancing.

Mr. OLMSTED. Nobody can take an oral conveyance of real estate.

Mr. JONES of Washington. We have had instances in our State where it has been done and become a matter of litigation, but the court held that the parties who thought they had interest in the land did not have any, because our statute required conveyance of real estate to be in writing.

Mr. OLMSTED. I can not stop now to find the provision among these thousands of sections, but I am certain that there are provisions which require the conveyance of an interest in land to be in writing.

Mr. WARNER. I would like to say to the gentleman from

Iowa [Mr. LACEY] that we are now on the chapter in relation to conveyances of real estate, and if the gentleman has any amendment to make in relation to married women's interest, he can offer it.

Mr. LACEY. My view about it is that the first section in regard to dower, as it only gives to the wife dower of the property of which the husband dies seized, covers it.

Mr. WARNER. I think the gentleman is right about that.

Mr. LACEY. It is a long and complicated matter, and I think the chairman of the committee is better informed about it than I am.

Mr. BELL. Mr. Chairman, I would like to ask the gentleman in charge of the bill if there is a provision for a homestead in this bill?

Mr. WARNER. No, the homestead is cut out. We have passed it and will return to it before we finish the bill. It was suggested that the land laws had not been extended to Alaska, and that there were no homesteads up there.

Mr. BELL. In most, if not all, the States a man can have a homestead of a certain number of acres by merely entering it as a homestead on the margin of his title.

Mr. WARNER. In some States it is qualified by the value.

Mr. BELL. In the State of Colorado there is a provision, and it works first-rate, that any person recording a deed, or after it is recorded by entering on the margin of the record, stating the date that he claims this land as a homestead, shall be entitled, up to the value of \$2,000, to have it exempt from execution, and in that part of the property the wife's signature should be obtained. Beyond that the wife transfers her property.

Mr. WARNER. We will consider that later.

The committee amendment to section 73 as renumbered was read, and agreed to, as follows:

In line 4, page 484, strike out the words "but the wife shall not be bound by any covenant contained in such joint deed."

The amendments recommended by the committee to strike out section 109, old number, was agreed to, and to insert in place thereof the following:

SEC. 97. Every conveyance of real property within the district hereafter made which shall not be filed for record as provided in this chapter shall be void against any subsequent innocent purchaser in good faith and for a valuable consideration of the same real property, or any portion thereof, whose conveyance shall be first duly recorded.

The following committee amendment to section 98 as renumbered was agreed to:

In line 5 strike out the word "conveyance" and insert "instrument."

The following amendment to section 104 as renumbered was agreed to:

In line 11 strike out the words "at law."

The following committee amendments to section 108 were read, and agreed to:

In line 3 strike out the word "decrees" and insert "judgment." In the same line strike out the words "of equity."

Committee amendment to renumbered section 109, striking out, in line 1, the word "decree" and inserting "notice of pending action, judgment," was read, and agreed to.

Committee amendment to renumbered section 110, striking out, in lines 3 and 4, the word "heretofore," was read, and agreed to.

Committee amendment to renumbered section 112, striking out, before the word "evidence," in line 8, the word "conclusive," was read, and agreed to.

Committee amendments to renumbered section 114 were read, and agreed to, as follows:

In line 1 strike out the words "heretofore made."

Strike out, in lines 6 and 7, "district or probate."

Committee amendment to renumbered section 116, striking out, in line 17, the words "action of an equitable nature," was read, and agreed to.

Committee amendment striking out, on page 498, the word "eleven," after the word "chapter," and inserting "twelve," was read, and agreed to.

Committee amendment to renumbered section 118, striking out, in line 2, the words "of lands" and inserting "thereof" was read, and agreed to.

Committee amendment changing "chapter 12," on page 500, to "chapter 13" was read, and agreed to.

Committee amendment changing "chapter 13," on page 502, to "chapter 14" was read, and agreed to.

Committee amendment to renumbered section 129, striking out "suit," in line 8, and inserting "action," was read, and agreed to.

Committee amendment to renumbered section 133, striking out, in lines 1 and 2, the words "twelve, thirteen, and fourteen," and inserting "thirteen, fourteen, and fifteen," was read, and agreed to.

Committee amendments to renumbered section 134, striking out, in line 2, the words "twelve, thirteen, and fourteen," and inserting "thirteen, fourteen, and fifteen," and also changing the word "code," in line 3, to "title," were read, and agreed to.

The same amendments to renumbered section 135 were read, and agreed to.

Committee amendment changing the title "chapter 14," on page 504, to "chapter 15" was read, and agreed to.

Committee amendment to renumbered section 136, striking out, in line 1, the word "male," and, in lines 2 and 3, the words "and every female person of the age of 18 years and upward," was read, and agreed to.

Committee amendment striking out section 151, old number, was read, and agreed to.

Committee amendment to renumbered section 139, striking out, in line 5, the words "either in law or in equity," was read, and agreed to.

Committee amendments to renumbered section 148 were read, and agreed to, as follows:

In lines 3 and 4 strike out "if real estate be devised."

In line 5 strike out "or if any personal property be bequeathed according to the laws of the district or of the country."

Insert, after the word "territory," in line 6, "or district."

Committee amendment to renumbered section 153, striking out "code" and inserting "title," was read, and agreed to.

Committee amendments to renumbered section 155 were read, and agreed to, as follows:

In lines 4 and 5 strike out "been paid or shall have accepted or."

In line 5 strike out "or shall refuse to accept."

In line 6 strike out "upon tender thereof" and insert "and renounced benefits under said will."

Committee amendment to renumbered section 157, striking out "eighty-two" and inserting "seventy-one," was read, and agreed to.

Committee amendment to renumbered section 163, striking out, in line 3, the word "interests" and inserting "intent," was read, and agreed to.

Committee amendment inserting after renumbered section 163 the following new sections was read, and agreed to:

SEC. 163. Where any estate, real or personal, is given by deed or will to any person for his life, and after his death to his heirs, or to the heirs of his body, the conveyance shall be construed to vest an estate for his life only in such person, and a remainder in fee simple in his heirs or the heirs of his body.

SEC. 164. A last will and testament, except when made by a soldier in actual military service or by a mariner at sea, is invalid unless it be in writing and executed with such formalities as are required by law.

SEC. 165. A written will can not be revoked or altered otherwise than by another written will, or another writing of the testator, declaring such revocation or alteration, and executed with the same formalities required by law for the will itself; or unless the will be burnt, torn, canceled, obliterated, or destroyed with the intent and for the purpose of revoking the same by the testator himself, or by another person in his presence, by his direction and consent; and when so done by another person the direction and consent of the testator, and the fact of such injury or destruction shall be proved by at least two witnesses.

Committee amendment striking out, on page 513, the title "chapter 15" and inserting "chapter 16," was read, and agreed to.

Mr. BARTLETT. Are these amendments being adopted without being read?

The CHAIRMAN. In the absence of objection, they are?

Mr. BARTLETT. How can there be objection if they are not read?

The CHAIRMAN. Does the gentleman from Georgia [Mr. BARTLETT] require that the amendments be read?

Mr. BARTLETT. No; if I can have some understanding with reference to this matter. Will the gentleman from Illinois [Mr. WARNER] say that when the reading of the bill is finished, if it be finished to-day, he will not undertake to take up either of the two propositions which are in controversy and have been left pending? I refer particularly to what is known as the imprisonment for debt section.

If that be the understanding, I will not ask to interfere with the manner in which the bill is being read, because I realize that this committee ought to have the bill disposed of, and if in order to get it through some little skipping be necessary, I have no objection. But I and other gentlemen are in this position: We do not want members to leave the House with a misapprehension as to the time which may be occupied in the reading, thus depriving themselves, perhaps, of the opportunity of being present when certain questions are taken up. In other words, I do not want any of my friends who are interested in certain questions yet to be disposed of to be "caught napping." That is my whole statement honestly made.

Mr. WARNER. I gave the gentleman my word.

Mr. BARTLETT. And I did not doubt that.

Mr. WARNER. I said to the gentleman privately, and I will now say publicly, that as soon as we finish the reading of the bill I will move that the committee rise.

Mr. BARTLETT. That is satisfactory.

Mr. WARNER. And on Monday we will come in and patch up the parts which have been unacted upon and finish it.

Mr. BARTLETT. That is satisfactory.

Mr. GIBSON. We might read down to the last section and reserve that for Monday.

Mr. WARNER. That is unnecessary, because the thing is set for Monday, and we have agreed upon it.

Mr. BARTLETT. Any way suits me which will carry out the purpose which we desire to accomplish. I will say to the gentleman that I did not doubt his word at all, and should never doubt his word, given me privately or publicly.

Mr. WARNER. You wanted it understood.

Mr. BARTLETT. I knew the gentleman would keep his promise to me with reference to the chapter relating to contempts; but there was another matter with reference to what we call imprisonment for debt, about which there had been no agreement.

Mr. WARNER. The gentleman from Ohio [Mr. GROSVENOR] introduced an amendment to be printed in the RECORD, and that can not be done until Monday morning.

Mr. BARTLETT. I understand that.

Mr. WARNER. I think we can now get along like a happy family with the remainder of this bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by PLATT, one of its clerks, announced that the Senate had passed the following resolution:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill of the Senate (S. 2344) granting a pension to Alice V. Cook.

The message also announced that the Senate had passed without amendment bill and resolution or the following titles:

H. R. 10740. An act to regulate the grades of Twentieth street, and for other purposes; and

House concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That the Clerk be authorized in the enrollment of H. R. 7433, "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes," to strike out, in lines 12 and 13, page 55, of the engrossed bill, "upon the reservation" and insert "at reservation or industrial schools."

CIVIL CODE FOR ALASKA.

The committee resumed its session.

The following committee amendments to section 167 as renumbered were read, and agreed to:

Strike out, in lines 9 and 10, the words "eighty-eight" and insert in lieu thereof "eighty-three."

In line 23, after the word "husband," insert "and issue."

In line 24 strike out "the whole" and insert "one-half."

In line 25, after the words "personal property," add the following: "but if the intestate leave a husband and no issue, such husband shall receive the whole of such residue of personal property."

The following committee amendment to section 168 as renumbered was read, and agreed to:

In line 6 strike out all after the words "one-half;" in line 7 strike out "of such advancement" and add the following: "the personal property owned by the husband at the time of his death."

The following committee amendments to section 169 as renumbered were read, and agreed to:

In line 9 strike out the words "and lived and cohabited as husband and wife."

In line 11 strike out "code" and insert "title."

The following committee amendment to section 179 as renumbered was read, and agreed to:

In line 12 strike out "code" and insert "title."

The following committee amendments to section 181 as renumbered were read, and agreed to:

In line 2 strike out "suit."

In line 5 strike out "suit."

In line 7 strike out "governor of the."

In line 8 strike out "district" and insert "Attorney-General."

The following committee amendments to section 182 as renumbered were read, and agreed to:

In line 13 strike out "heirs" and insert "him."

In line 23, after the word "paper," insert "in the district."

The following committee amendment to section 183 as renumbered was read, and agreed to:

In line 5 strike out "therefore" and insert "therefor."

The following committee amendments to section 184 as renumbered were read, and agreed to:

In line 16 strike out "or admitted."

In line 19 strike out "suit."

In line 56, after the words "with a," insert "first;" and after the word "mortgage" insert "deed."

In line 66 strike out the word "suits" and insert "actions."

The following committee amendment to section 185 as renumbered was read, and agreed to:

In lines 17 and 18 strike out the following: "or persons beyond the limits of the United States."

The following committee amendment was read, and agreed to: Strike out all of old section 200.

The following committee amendments were read, and agreed to:

Amend section 189 as renumbered to read as follows:

"SEC. 189. The payee and indorsee of every such note payable to him or his order, and the holder of every such note payable to bearer, may maintain an

action for the sum of money therein mentioned, in like manner as in case of an inland bill of exchange and not otherwise."

The following committee amendment was read, and agreed to:

Amend section 190 as renumbered to read as follows:

"SEC. 190. Such note made payable to the order of the maker thereof, or to the order of a fictitious person, shall, if negotiated by the maker, have the same effect and be of the same validity, as against the maker and all persons having knowledge of the facts, as if payable to bearer."

The following committee amendment to section 195 as renumbered was read, and agreed to:

In line 8 strike out the words "and 5 per cent damages."

The following committee amendment to section 201 as renumbered was read, and agreed to:

In line 29, before the word "purposes," insert "and general municipal."

The following committee amendment to section 204 as renumbered was read, and agreed to:

In line 16 strike out "fourteen" and insert "two."

The following committee amendment to section 205 as renumbered was read, and agreed to:

In line 6 strike out "twenty-three" and insert "eleven."

The following committee amendment to section 211 as renumbered was read, and agreed to:

In line 5 strike out "sixteen" and insert "four."

The following committee amendment to section 213 as renumbered was read, and agreed to:

In line 8 strike out "thirty-two" and insert "twenty."

The following committee amendment to section 223 as renumbered was read, and agreed to:

In lines 2 and 3 strike out the words "outside of the district."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MAHON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. BENNETT, its Secretary, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep and profound sorrow of the death of Hon. DANIEL ERMENROUT, late a Representative from the State of Pennsylvania.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his eminent public services and high personal character.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901, and had further insisted upon its amendment numbered 15, disagreed to by the House of Representatives.

CIVIL CODE FOR ALASKA.

The committee resumed its session.

The Clerk read as follows:

SEC. 226. If any such corporation or company shall attempt or commence to do business in the district without having first filed said statements, certificates, and consents required by this chapter, it shall forfeit the sum of \$25 for every day it shall so neglect to file the same; and every contract made by such corporation, or any agent or agents thereof, during the time it shall so neglect to file such statements, certificates, or consents, shall be void at the election of the other party thereto. It shall be the duty of the United States attorney for the district to sue for and recover, in the name of the United States, the penalty above provided, and the same, when so recovered, shall be paid into the Treasury of the United States.

Mr. CAMPBELL. I move to strike out the word "void," in line 8, section 226, and to substitute the word "voidable."

The CHAIRMAN. The gentleman from Montana offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 8, section 226, strike out "void" and insert "voidable."

Mr. WARNER. This says it shall be "void at the election of the other party." It seems to me it is immaterial whether it reads "void" or "voidable."

Mr. OTJEN. The effect would be the same either way.

Mr. CAMPBELL. I only want to make it plainer.

Mr. WARNER. This is the existing law—the Oregon law. I presume it has been construed by the supreme court of Oregon.

Mr. CAMPBELL. It has been construed by the supreme court of Montana and criticised by that court. They have held that the word "void" means "voidable."

Mr. WARNER. I think that is what it does mean, when you make it at the election of the other party.

Mr. CAMPBELL. The point I want to make is this: In our State we had a section similar to this, and a man tried to get out of paying a mortgage upon the ground that the contract was void and could not be enforced. Our supreme court held that it was not void, but that it was voidable, and that the party could only avoid the contract by returning the money. I have suggested putting in the word "voidable" for the purpose of saving any misconstruction of the statute. If the contract is void, then the

party borrowing the money does not have to return it. If it is voidable, he does have to return it.

Mr. OLMSTED. I think "voidable" is the better word.

Mr. WARNER. I do not object to the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Montana [Mr. CAMPBELL].

The amendment was agreed to.

The following committee amendments were read, and agreed to:

In section 224 as renumbered, line 5, strike out "thirty-five" and insert "twenty-three."

In section 231, line 2, strike out "forty-two" and insert "thirty."

In section 232, line 2, strike out "forty-two" and insert "thirty."

In line 4 strike out "suits at law and in equity" and insert "actions."

Amend section 239 to read as follows:

"Sec. 239. If any person or persons, company, or corporation owning or having possession or control of any animal affected by any such contagious or infectious disease shall fail to keep the same within an inclosure, or herd the same in some place where it will be secure from contact with other animals not so affected, or shall suffer such infected animal to range where it will be likely to come in contact with another animal not so affected, shall be guilty of a misdemeanor, and, on conviction, punished by a fine of not more than \$1,000 for each offense."

Strike out all of old section 252.

In section 246, after the word "be," strike out "in the habit of."

In section 250, line 5, strike out "sixty-one" and insert "forty-eight."

Amend section 253 to read as follows:

"Sec. 253. If any person shall take up, keep, or use any estray without complying with the provisions of this title he shall be liable to a penalty of double the value of such estray, to be sued for and recovered in the district court at the action of the United States, and it is hereby made the duty of the district attorney of the United States to prosecute an action against such offender for the violation of the provisions of this title when the same shall be within his personal knowledge or when complaint in writing, under oath, be filed with him alleging the violation of this title."

Amend section 253, in line 2, by striking out "ten" and inserting "eight."

In section 255, line 4, strike out "of debt, instituted before the court having jurisdiction thereof" and insert "brought in any court of competent jurisdiction."

In section 256, line 1, strike out "suit" and insert "action."

In line 13 strike out "whom" and insert "which."

In line 14 strike out "suit" and insert "action."

In line 15 after "amount," strike out "of" and insert "due, without interest, on."

In the same line, after "the," strike out "original."

In line 16 strike out "without interest."

In line 17 strike out "United States" and insert "plaintiff."

In line 18 strike out "suit" and insert "action;" and after "such" strike out "suit" and insert "action."

Strike out all of old section 271.

Section 259, line 2, strike out "thirty-two" and insert "twenty."

In line 3, after "courts," strike out "and before the commissioner."

Section 260, line 4, after "material," strike out "or transporting or hauling any material."

In line 9 strike out "or transportation."

In line 15 strike out "code" and insert "title."

In section 261, line 8, strike out "code" and insert "title."

In line 19 strike out "code" and insert "title."

In section 262, line 1, strike out "code" and insert "title."

In line 11 strike out "code" and insert "title."

The amendments to section 263 were read, as follows:

In line 2 strike out "seventy-four" and insert "sixty;" in line 8 strike out the word "code" and insert the word "title."

The amendments were agreed to.

The amendment to section 264 was read, as follows:

In line 5 strike out the word "code" and insert the word "title."

The amendment was agreed to.

The amendments to section 266 were read, as follows:

In line 1 strike out the word "code" and insert the word "title;" in line 7 strike out the words "two years" and insert the words "one year."

The amendments were agreed to.

The amendment to section 267 was read, as follows:

In line 6 strike out the word "code" and insert the word "title."

The amendment was agreed to.

The amendments to section 268 were read, as follows:

In line 1 strike out the word "suits" and insert the word "actions;" in line 2 strike out the word "code" and insert the word "title;" in line 5 strike out the word "code" and insert the word "title;" in line 17 strike out the word "suits" and insert the word "actions;" in line 21 strike out the word "suits" and insert the word "actions;" in the same line strike out the word "code" and insert the word "title;" in lines 22 and 25 strike out the word "suits" and insert the word "actions;" in line 27 strike out the word "seventy-eight" and insert the word "sixty-four;" in line 32 strike out the word "code" and insert the word "title."

The amendments were agreed to.

The amendment to section 271 was read, as follows:

In line 9, after the word "same," insert the word "has been or."

The amendment was agreed to.

The amendment to section 272 was read, as follows:

In line 8 strike out the word "therein" and insert the word "herein."

The amendment was agreed to.

The amendment to section 273 was read, as follows:

In line 3 strike out the word "suits" and insert the word "actions."

The amendment was agreed to.

The amendment to section 274 was read, as follows:

In line 5 strike out the word "had" and insert the word "has."

The amendment was agreed to.

The amendments to section 276 were read, as follows:

In lines 10 and 11 strike out the words "of the most;" in line 22, after the word "manner," insert the words "contrary to the provisions of this chap-

ter;" in line 23, after the word "without," insert the word "the;" in line 29 strike out the word "bear" and insert the word "bore;" in lines 29 and 30 strike out the words "determines to sell" and insert the words "made demand on the warehouseman for."

The amendments were agreed to.

The amendment to section 281 was read, as follows:

In line 4 strike out the word "divert" and insert the word "defeat."

The amendment was agreed to.

The amendments to section 282 were read, as follows:

In lines 2 and 3 strike out the word "eighty-eight" and insert the word "seventy-four;" in line 3 strike out the word "eighty-nine" and insert "seventy-five;" in line 7 strike out the word "ninety-eight" and insert "eighty-four."

The amendments were agreed to.

The amendments to section 283 were read, as follows:

In line 2 strike out the word "ninety-four" and insert "eighty;" in line 3 strike out the word "code" and insert the word "title;" in line 6 strike out the word "ninety-eight" and insert "eighty-four."

The amendments were agreed to.

The amendments to section 284 were read, as follows:

In line 3 strike out the word "eighty-eight" and insert "seventy-four;" in line 4 strike out the word "eighty-nine" and insert "seventy-five;" in line 5 strike out the word "code" and insert the word "title."

The amendments were agreed to.

The amendments to section 285 were read, as follows:

In line 2 strike out the word "ninety-two" and insert "seventy-eight;" in line 4 strike out the word "was" and insert the word "were;" in line 6 strike out the word "ninety-eight" and insert the word "eighty-four."

The amendments were agreed to.

The amendments to section 286 were read, as follows:

In line 1 strike out the word "recorders" and insert the word "recorder;" in line 2 strike out the word "code" and insert the word "title;" in line 3 strike out the word "them" and insert the word "him;" in line 5 strike out the word "they" and insert the word "he."

The amendments were agreed to.

The amendment to section 287 was read, as follows:

In line 4 strike out the words "a suit" and insert the words "an action."

The amendment was agreed to.

The amendment to section 288 was read, as follows:

In line 2 strike out the words "a suit" and insert the words "an action."

The amendment was agreed to.

The amendments to section 289 were read, as follows:

In line 1 strike out the words "a suit" and insert the words "an action;" in line 4 strike out the word "suit" and insert the word "action;" in line 9 strike out the word "ninety-six" and insert the word "eighty-two;" in line 10 strike out the word "ninety-seven" and insert the word "eighty-three;" in line 12, after the word "spars," insert the word "piles;" in line 17 strike out "ninety-seven" and insert "eighty-three."

The amendments were agreed to.

The amendments to section 290 were read, as follows:

In line 2 strike out the word "code" and insert the word "title;" in same line strike out the word "suit" and insert the word "action;" in line 3 strike out the word "suits" and insert the word "actions."

The amendments were agreed to.

The amendment to section 291 was read, as follows:

In line 1 strike out the word "suit" and insert the word "action."

The amendment was agreed to.

The amendments to section 292 were read, as follows:

In line 1, after the word "The," insert the words "judge of the;" in line 2 strike out the word "and" and insert the word "supported;" in line 4 strike out the word "code" and insert the word "title;" in line 6, after the word "rendered," insert "as provided in section 291."

The amendments were agreed to.

The Clerk read as follows:

Amend by striking out section 307, old number.

The amendment was agreed to.

The Clerk read as follows:

Amend by striking out all of chapter 29, old number, including sections 308, 309, 310, and 311.

The amendment was agreed to.

The amendments to section 294 were read, as follows:

In line 3 strike out the word "or;" in same line, after the word "of," insert the words "or kept."

The amendments were agreed to.

The amendments to section 296 were read, as follows:

In line 4 strike out the words "or by mail;" in line 6, after the word "known," insert the words "or if service can not be made as above provided."

The amendments were agreed to.

The amendments to section 297 were read, as follows:

In line 3 strike out the words "after sixty days' notice shall have been given" and insert the words "within sixty days from the first publication or service of notice as above provided;" in line 10, after the word "publication," insert the words "or service."

The amendments were agreed to.

The amendment to section 299 was read, as follows:

In line 4, after the word "more," insert the word "public."

The amendment was agreed to.

The amendment to section 303 was read, as follows:

In line 4 strike out the words "to the clerk."

The amendment was agreed to.

The amendments to section 305 were read, as follows:

After the word "thereof," at the end of line 4, insert "as provided in section 299;" in line 11 strike out the words "three hundred and eighteen" and insert "two hundred and ninety-nine."

The amendments were agreed to.

The amendment to section 308 was read, as follows:

In line 8 strike out, commencing with the word "and," down to and including the word "creditors," in line 15.

The amendment was agreed to.

The amendments to section 309 were read, as follows:

In line 3, after the word "property," strike out the words "and make the affidavit therein required;" in line 4, after the word "firm," insert the words "to secure a debt or liability of said firm;" in line 6 strike out the words "and the affidavit so made;" in line 7 strike out all after the word "fact" to the end of the section.

The amendments were agreed to.

The amendments to section 311 were read, as follows:

In line 1, after the word "property," strike out the words "together with the affidavits of the parties thereto;" in line 5, after the word "resides," insert the words "and of the precinct where the property is at the time of the execution of the mortgage."

The amendments were agreed to.

The amendments to section 312 were read, as follows:

Strike out, in lines 7 and 8, the words "together with a statement verified as provided in subdivision 2, section 327, herein;" and after the word "a," in line 8, insert the word "verified."

The amendments were agreed to.

The amendments to section 313 were read, as follows:

In line 4 strike out the word "thirty-one" and insert the word "twelve;" same line, strike out the word "code" and insert the word "title;" same line, strike out the word "the" and insert the word "any;" in line 6 strike out the word "affidavit" and insert the words "verified statement;" in line 8 strike out the word "commissioner" and insert the word "recorder;" in line 9 strike out the word "affidavit" and insert the words "verified statement."

The amendments were agreed to.

The amendments to section 314 were read, as follows:

In line 2 strike out the word "suit" and insert the word "action;" in line 4, after the word "mortgagee," insert the words "or the assignee thereof;" in line 8, after the word "mortgagee," insert the words "or the assignee thereof;" in line 12, after the word "mortgagee," insert the words "or the assignee of said mortgage."

The amendments were agreed to.

The amendment to section 318 was read, as follows:

In line 9 strike out the word "thirty" and insert the word "eleven."

The amendment was agreed to.

The amendments to section 324 were read, as follows:

In lines 7 and 10 strike out the word "weekly."

The amendments were agreed to.

The amendment to section 328 was read, as follows:

In line 1 strike out the word "suits."

The amendment was agreed to.

The Clerk read as follows:

Page 601, after the words "chapter thirty-three," strike out the words "transportation of livestock" and insert "injury to live stock by railroads."

The amendment was agreed to.

The amendment to section 331 was read, as follows:

In line 6 strike out the words "or near."

The amendment was agreed to.

The amendment to section 333 was read, as follows:

In line 2 strike out the word "fifty" and insert the words "thirty-one."

The amendment was agreed to.

The amendment to section 334 was read, as follows:

In line 6 strike out the words "less than \$50 nor more than" and insert the word "exceeding."

The amendment was agreed to.

The amendments to section 335 were read, as follows:

In line 1 strike out the words "or suit;" in line 3 strike out the word "fifty" and insert the words "thirty-one;" in lines 9 and 10 strike out the words "or suit;" in line 15 strike out the words "suit or."

The amendments were agreed to.

The amendments to section 336 were read, as follows:

In lines 1 and 7 strike out the words "suit or."

The amendments were agreed to.

The amendments to section 337 were read, as follows:

In line 3 strike out the word "respective;" in line 7 strike out the word "section" and insert the word "chapter."

The amendments were agreed to.

The following committee amendment to section 338 as renumbered was agreed to:

In line 6 strike out the word "production" and insert "payment."

The following committee amendments to section 339 as renumbered were read, and agreed to:

In line 5, after the word "the," insert "on Government land."

In line 12 strike out the word "ten" and insert "thirty."

The following committee amendments to section 340 as renumbered were read, and agreed to:

In line 3, after the word "up," insert "notices in." In the same line strike out the words "three notices in" and insert "three."

In line 5 strike out "twenty" and insert "thirty."

The following committee amendment to section 342 as renumbered was read, and agreed to:

In line 10, after the word "the," insert "late or."

The Clerk read section 347 as renumbered.

Mr. JONES of Washington. Mr. Chairman, I move to strike out, in line 8, page 609, the words "his neighbor" and insert "any person."

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 8, page 609, strike out the words "his neighbor" and insert "any person;" so that it shall read: "or to take in and carry over any person when the same is done without fee or charge and not with intent to injure any person licensed to keep a ferry."

Mr. JONES of Washington. I see no reason why, if a man wants to take anyone across the stream, he should not have the opportunity. If a person wants to take anyone across, he ought to have the right to do it, and not be confined to his neighbor.

The amendment was agreed to.

The following amendment to section 348 as renumbered was read, and agreed to:

In line 7 strike out the word "sixty-one" and insert "forty-two."

In line 21, page 610, after the word "being," insert "chosen or."

The following committee amendments to section 349 as renumbered were read, and agreed to:

In line 4 strike out the word "suit" and insert "action."

In line 6 strike out the word "suit" and insert "action."

The following amendment to section 353 as renumbered was read, and agreed to:

In line 3 strike out "sixty-nine" and insert "fifty."

The following amendments to section 353 as renumbered were read, and agreed to:

In line 2 strike out the word "steam."

In line 3 strike out the words "propelled wholly or in part by steam."

In line 4 strike out the words "or street."

The following committee amendment to section 354 was read, and agreed to:

In line 1 strike out the word "steam."

The following committee amendments to section 355 were read, and agreed to:

In line 2 strike out the word "steam" and insert, after the word "engine," "of over 2 tons weight."

The following committee amendments to section 356 were read, and agreed to:

In line 3 strike out "\$10" and insert "\$1."

In line 4 strike out the words "or imprisonment for not less than five or more than ten days."

In line 8 strike out the word "steam."

The following amendments to section 357 were read, and agreed to:

In line 3 insert, after the word "until," the words "he or."

In lines 5, 6, and 7 strike out the words "the States of Oregon, California, or Washington as ex officio insurance commissioners of the State" and insert "some State of the United States setting forth."

In line 8, after the word "the," insert "said."

In line 10 strike out "the" and insert "said;" in the same line strike out the words "of Oregon."

The following committee amendments to section 358 were read, and agreed to:

In line 1, after the word "company," insert "corporation, association, firm, or individual."

In line 11, page 614, insert, after the word "any," "incorporated."

In line 16, after the word "any," insert "such."

The following amendment to section 359 was read, and agreed to:

In line 3 insert, after "workmen," "Modern Woodmen of America."

The committee amendment striking out section 379, old number, was read, and agreed to.

The amendments to section 361 were read, and agreed to, as follows:

In line 1, after the word "district," strike out the words "and clerks of the court."

In line 5 strike out the words "and the clerk of the district court."

The Clerk read section 363.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. I will not detain the committee long, but I want to call attention to a statement made last Monday by the gentleman from Ohio [Mr. GROSVENOR], who challenged the correctness of a statement made by the gentleman from Tennessee [Mr. GAINES], that the Democratic party—and presumably he meant every member of the Democratic party—had offered nothing in the way of legislation to promote the interest of labor.

Mr. GROSVENOR. I want to say to the gentleman from Texas that nothing of that kind was said by me.

Mr. SLAYDEN. If I have not correctly quoted the gentleman, I will apologize.

Mr. GROSVENOR. I said that the Democratic party had not passed any law, any eight-hour law, which was the only thing we were talking about.

Mr. SLAYDEN. If I have misrepresented the gentleman, I will withdraw what I said; but it does not in the main affect anything that I want to say.

Mr. LACEY. Does not the gentleman from Texas think that my friend from Ohio was unfair in claiming that the Democrats had never reduced the hours of labor, when the party has really reduced them more than anybody else ever did? [Laughter on the Republican side.]

Mr. SLAYDEN. I am not willing to get into any controversy with the gentleman from Iowa. That will occupy my time, and I have only five minutes. Besides, I have promised the chairman of the committee, who was very courteous to me, that I would not consume much of his time. On April 10, 1897, I presented a bill in this House intending to correct the evil of convict competition with honest free labor. That bill was referred to the Judiciary Committee. I protested against it, thinking it should have gone to the Committee on Interstate Commerce or to the Committee on Labor. I was assured by gentlemen of long experience in this House that the reference of it was correct. I submitted. On December 8, 1899, in the earliest days of this Congress, I reintroduced that bill. A month later the gentleman from New York [Mr. COCHRANE] presented a bill which I will now read:

A bill (H. R. 5490) to protect free labor from prison competition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall knowingly transport or cause to be delivered for transportation, for commercial purposes, from any State or Territory in which they are in whole or in part manufactured, any goods, wares, or merchandise in whole or in part the product of convict labor in any penitentiary, prison, or reformatory or other establishment in which convict labor is employed, into any other State or Territory or into the District of Columbia.

SEC. 2. That all goods, wares, and merchandise made or manufactured, in whole or in part, in any State or Territory by convicts, and all goods, wares, and merchandise in whole or in part the product of convict labor in any penitentiary, prison, or reformatory or other establishment in which convict labor is employed, in every State and Territory of the United States, as well as the separate pieces of said goods, wares, and merchandise, as also the packages and parcels containing the same, shall be branded or stamped in a legible and permanent manner, where it can be plainly seen and easily read "Prison made," "Made by convicts at —," giving the name of the penitentiary, prison, reformatory, or penal institution, and of the city, town, or village, and State or Territory where made.

SEC. 3. That all goods, wares, and merchandise in whole or in part the product of convict labor, and transported or delivered for transportation in violation of section 1 of this act, and all goods, wares, and merchandise in whole or in part the product of convict labor and not branded or stamped as provided for in section 2 of this act, shall be forfeited to the United States; and every person who violates or aids or abets in violating this act, or any part thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$250 nor more than \$500, or by imprisonment not exceeding one year, or by both such fine and imprisonment, at the discretion of the court.

SEC. 4. That it shall be the duty of the several United States district attorneys to prosecute all violations of this act, or of any part thereof, when any person shall make the complaint under oath, and the same shall be heard before any district or circuit court in the United States or Territorial court holden within the district in which the violation of this act, or any part thereof, has been committed.

SEC. 5. That this act shall take effect at the expiration of three months from and after its passage.

Now, Mr. Chairman, on the 9th day of May, having had that bill under consideration since January 8, the Committee on Labor presented this substitute for the bill of the gentleman from New York [Mr. COCHRANE].

The substitute is as follows:

That all goods, wares, and merchandise, manufactured wholly or in part by convict labor or in any prison or reformatory, transported into any State or Territory, or remaining therein for use, consumption, sale, or storage, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise.

Amend the title so as to read: "A bill to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory."

That substitute bill was passed last week. Now, Mr. Chairman, I invite the attention of the House to the almost complete identity of the language of the substitute which was brought in by the Committee on Labor and passed by this House with the bill which I introduced in April, 1897, and reintroduced in December, 1899, a month before the bill of the gentleman from Missouri was born. I read the bill which I introduced in April, 1897, and reintroduced in December, 1899:

[H. R. 2780, Fifty-fifth Congress, first session.]

April 10, 1897.—Mr. SLAYDEN introduced the following bill; which was referred to the Committee on the Judiciary, and ordered to be printed:

A bill to make goods, wares, and merchandise made in whole or in part by the labor of convicts subject to the laws of the State or Territory into which they may be transported.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all goods, wares, and merchandise, of

whatever sort, which are made by the labor of convicts, in whole or in part, when transported into any State or Territory, and which shall remain therein for use, consumption, or sale, or for storage therein, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory, enacted in the exercise of its police or taxing powers, to the same extent and in like manner as though such articles had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

So, Mr. Chairman, one bill at least, which was presented by a Democrat was thought good enough in principle and substantially correct enough in language to be brought into this House by a committee dominated by the Republican party and passed without objection. The words "or reformatory" have been added to the substitute bill brought in by this committee. In almost every other respect—practically every other respect—it is identical with the bill which I presented April 10, 1897, and reintroduced in December, 1899.

Mr. HENRY of Connecticut. Mr. Chairman, I wish to say for the information of the gentleman from Texas and the House that the Labor Committee had the Cochrane bill referred to them, and it was the first bill which they considered. It was not altogether satisfactory in form, but as long ago as the middle of February the committee determined to make a favorable report on that bill with amendments. If the amendments are in the language of the bill introduced by the gentleman from Texas, he is entitled to all the credit.

Mr. SLAYDEN. The substitute bill is not quite identical with my bill; there are one or two little verbal changes that do not affect the meaning of the bill in any particular.

Mr. HENRY of Connecticut. The Labor Committee did not have the gentleman's bill before them formally.

Mr. SLAYDEN. I have not intended to charge that the committee intentionally copied the language of my bill, but the resemblance is an extraordinary coincidence, and I want to say that if I found cattle in my neighbor's pasture with a brand upon them so nearly identical with mine as the resemblance between these two bills, I would view my neighbor with suspicion.

Mr. HENRY of Connecticut. The resemblance between the two measures is a tribute to the gentleman from Texas.

Mr. SLAYDEN. Thank you.

The CHAIRMAN. Does the gentleman from Illinois desire to have the last section of the bill read this evening?

Mr. WARNER. No, sir.

The CHAIRMAN. We have now reached that section.

Mr. CAMPBELL. Section 732 was passed with the privilege of recurring to it for the purpose of amendment. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lieu of the fourth paragraph insert the following:

"Fourth. For being guilty of any crime or misdemeanor involving moral turpitude, upon good cause being shown why the court should take jurisdiction, without previous conviction."

Mr. WARNER. I am inclined to think that this amendment should not be adopted. An attorney should not be removed or suspended for crime or misdemeanor without fair and impartial trial by jury. He should not be brought before the court and his case prejudiced by a decision of the judge that he has been guilty of crime. I am of opinion that the amendment would be dangerous, though on first reading I did not see any objection to it. The section as it now stands provides that—

An attorney may be removed or suspended by the district court for either of the following causes, arising after his admission to practice:

First. Upon his being convicted of any felony or of a misdemeanor involving moral turpitude, in either of which cases the record of his conviction is conclusive evidence.

The pending amendment, as I understand, provides that the court may try an attorney for the purpose of deciding whether it will suspend him from further practice before it. If an attorney is thus tried, the decision of the court against him is equivalent to a conviction by the court, so far as its action can go, and would prejudice his cause in a trial before a jury. I am of opinion that we would do best to leave the bill as it is.

Mr. CAMPBELL. Mr. Chairman, I hope the amendment will prevail. Without a provision of this kind an attorney may be guilty of bribery, perjury, or any other crime, and still he can not be disbarred until he has been convicted of the offense by a jury. But if the provision which I propose be adopted, then if the attorney should escape conviction by a jury upon a technicality or for any other reason, the court, upon just cause being shown, can proceed to disbar him. The court will not exercise this right where the party is to be tried for the offense alleged, but simply where he has escaped conviction when he should have been convicted according to the evidence. My amendment simply leaves the court—

Mr. BELL. Will the gentleman yield to me for a question?

Mr. CAMPBELL. Yes.

Mr. BELL. Is there no provision that the court may, upon trial before it, suspend a member of the bar?

Mr. CAMPBELL. I find no such provision at all.

•Mr. BELL. Is this the only reason for suspending a member of the bar?

Mr. CAMPBELL. There are several, but none of them covers the case of a man who has been guilty of an offense, without there is a conviction, so that the record may be put in.

Mr. BELL. Suppose that before the Supreme Court you show that a man has collected money for a client and retained it?

Mr. WARNER. He may be disbarred for any misconduct in his profession.

Mr. CAMPBELL. That is connected with his profession.

Mr. WARNER. Or for any willful deceit in his profession.

Mr. CAMPBELL. But disbarment for a crime not connected with his profession is not provided for in this bill.

Mr. OLMSTED. I quite agree with the chairman of the committee that the provision suggested by my friend from Montana [Mr. CAMPBELL] would be extremely dangerous. This chapter already provides for the removal of an attorney upon his conviction of any felony or misdemeanor involving moral turpitude, but it requires his indictment and conviction of the offense in the usual manner before he can be thus removed. But in the third paragraph of section 733 it is provided that he may also be removed if guilty of any willful deceit or misconduct in his profession. In section 733 it is provided that proceedings to remove an attorney may be taken by the court of its own motion or may be instituted by another.

Now, it seems to me that that is all that can be reasonably required to maintain a high standard of honor in the legal profession. To put it in the power of the court—of a single judge—of his own motion to convict a man of a felony or misdemeanor, and disbar him upon that ground, without a conviction or trial by due process of law, it seems to me, would be an extremely dangerous provision to put in the law. It takes away the right of trial by jury and places every lawyer, his office, and his honor at the mercy of the judge.

Mr. FITZGERALD of New York. The court might find one way and the jury another.

Mr. CAMPBELL. Will the gentleman allow me to ask him a question?

Mr. OLMSTED. Certainly.

Mr. CAMPBELL. I presume if a man is called before a grand jury to testify, and testifies to having been guilty of giving a bribe, that he can not be prosecuted for that offense? That is the provision of most statutes.

Mr. WARNER. He can not be compelled to testify to it at all.

Mr. CAMPBELL. If he testifies, he can not be prosecuted for it.

Mr. WARNER. Oh, yes, he can, if he voluntarily appears and testifies.

Mr. CAMPBELL. The Supreme Court of the United States, as I understand, have held that he can not be prosecuted.

Mr. OLMSTED. It held that upon the ground that the man ought not to have been compelled to testify.

Mr. CAMPBELL. Suppose a man is compelled to testify that he was guilty of bribery, but he could not be convicted of it.

Mr. WARNER. There can not be such a case under this law.

Mr. OLMSTED. He can not be compelled to testify, and so there can be no such case.

Mr. CAMPBELL. Suppose it was under the laws of the United States.

Mr. WARNER. There is no United States law under which that could be done.

Mr. CAMPBELL. If he is brought in and compelled to testify and is indicted, the indictment would be quashed.

Mr. OLMSTED. I do not think there is any such law of the United States. I read the case yesterday to which I think the gentleman refers, in which the evidence of a man which incriminated him was not permitted to be read upon the ground that the court which admitted the evidence had no right to do so, and as it had no right to compel the giving of the testimony the case was treated as if the incriminating testimony had not been given.

Now, this amendment would permit a judge, of his own motion practically, to convict a man of a felony without the finding of a jury.

Mr. CAMPBELL. He would have to be tried before the court.

Mr. OLMSTED. But not before the jury. The proposed amendment does not require any particular kind of evidence nor supply any rule with regard to the taking thereof, nor requires any notice, nor any hearing, nor provides for any appeal from the action of the judge, arbitrary and unwarranted though it may be. If the court is of the opinion—if the court, arbitrarily or otherwise, concludes that the man is guilty of a felony, this would empower him practically to convict the attorney and subject him to everlasting disgrace and to the severe penalty of removal from his office of attorney, without any hearing or trial before a jury, which the laws of the land award to every man accused of crime.

The CHAIRMAN. The question is upon the amendment of the gentleman from Montana.

The amendment was rejected.

Mr. JONES of Washington. I ask unanimous consent to recur to section 467, page 236.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to recur to section 467, page 236. Is there objection?

There was no objection.

Mr. JONES of Washington. I wish to offer an amendment. This matter was suggested when we passed over that section. It was thought that the provision referred to in the amendment was covered.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

In section 467, on page 236, insert the following paragraph: "Fourth. Or such disposition of the property of the parties as may be deemed right and proper, and to enforce the same by attachment."

Mr. WARNER. I think that word "attachment" there is wrong. There is no need of an attachment in a case of that kind. That is a case for a receiver.

Mr. PAYNE. Is this to be done before judgment?

Mr. WARNER. This is in divorce proceedings. It is the ordinary provision in most of the States.

Mr. PAYNE. To make disposition of the property before judgment?

Mr. WARNER. To restrain conveyance.

Mr. PAYNE. That is a different thing.

Mr. JONES of Washington. The court enforces his order by attachment.

Mr. WARNER. You might say that he may restrain the parties from conveying or disposing of their property.

Mr. BARNEY. You can do that under the common law.

Mr. BELL. You can do that anyway.

Mr. JONES of Washington. I think that amendment is proper. The first part of the section provides:

After the commencement of an action and before the judgment therein, the court or judge thereof may, in his discretion, provide by an order as follows:

The fourth provision that I offer is that he shall order the disposition of the property pending the suit, and that he may enforce his order by attachment.

Mr. PAYNE. Does this apply to any kind of an action?

Mr. JONES of Washington. No; simply to divorce proceedings.

Mr. PAYNE. There is nothing in the section which refers to divorce proceedings. The chapter may.

Mr. JONES of Washington. Yes; the chapter does.

Mr. PAYNE. It would be a pretty broad provision, if a man was sued for \$50, to restrain him from disposing of his property.

Mr. WARNER. Instead of the amendment that the gentleman proposes, I suggest that immediately after the word "be," in the first clause, he add:

And the court may restrain either or both the parties from disposing of their property during the pendency of the proceedings.

Mr. JONES of Washington. That is satisfactory.

Mr. WARNER. That would reach what the gentleman desires.

Mr. JONES of Washington. That is satisfactory.

Mr. WARNER. Then I suggest that the amendment be made to insert, after the word "be," in line 7, the words:

And the court may restrain either or both the parties from disposing of their property during the pendency of the action, and until the further order of the court.

Mr. BELL. That can be done anyway.

Mr. WARNER. I understand the court can do that anyway. It is probably unnecessary.

Mr. BARNEY. Mr. Chairman, I think any amendment of this kind would be extremely dangerous. I think it is always dangerous to attempt a partial codification of the common law. Now, without any provision of statute at all, under the common law the court has all the power that is given by this amendment, and it might by implication possibly be thought that by giving it this power and not specifying other powers the other extraordinary powers which the court has in equitable cases of this kind might be taken away, and that the court should not have any further similar powers than are here specified.

For that reason I do not think we ought to attempt to codify the common law in this respect at all, but that we ought to leave it to be administered by the courts. At the common law the courts have ample authority in actions for divorce, as in all other actions of equity, to see that property is protected and not conveyed, to answer the final judgment of the court. I think that is all this amendment seeks to do.

Mr. BELL. It is an incident.

Mr. BARNEY. It is an incident to the establishment of a court of equity to be able to enforce its final judgment in the case, and I repeat that it seems to me that it is extremely dangerous to attempt partially, as this does, to codify the laws relating to a court of equity, because by implication it may possibly be held, as I stated before, that the court has not all the extraordinary powers which are given to courts of equity in such cases.

Mr. JONES of Washington. Will the gentleman permit me to ask him a question?

Mr. BARNEY. Certainly.

Mr. JONES of Washington. Do you think that the other provisions are also covered by common law; that the court may make orders to care for the children?

Mr. BARNEY. I am not quite sure they are. I hardly think a court at common law has the power—

Mr. JONES of Washington. I do not think it has.

Mr. BARNEY (continuing). To provide for the care and custody of minor children and to provide for the payment of attorneys' fees and alimony, but it certainly has the power to protect the wife's property and to restrain the husband from conveying his property during the pendency of the action.

Mr. JONES of Washington. The main object of this is to prevent the disposition of personal property. I do not believe the common law would cover a provision of that kind. I know it is a provision in all the codes, and it is in almost the exact language of the code of the State of Washington, where I have known instances where this provision was absolutely necessary to protect the wife from the husband selling the household goods. By preventing disposition of the property by either party to the suit you thereby protect the rights of each one.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Insert at the end of the third paragraph of section 467 the words "and the court may restrain either or both parties from disposing of the property of either party pending the action."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CAMPBELL. Division.

The committee divided; and there were—ayes 26, noes 7.

Mr. WARNER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having resumed the chair as Speaker pro tempore, Mr. JENKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes, and had come to no resolution thereon.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that the previous question may be considered as ordered upon the bills upon the Private Calendar reported from the Committee of the Whole yesterday.

The SPEAKER pro tempore. The gentleman from New Hampshire asks unanimous consent that the previous question may be considered as ordered on the bills passed by the Committee of the Whole yesterday.

Mr. TALBERT. I object, Mr. Speaker.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GAINES for three days, on account of sickness.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 22 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 2947) to indemnify the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor under the proclamation of the President of June 15, 1863, reported the same without amendment, accompanied by a report (No. 1764); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4541) for the establishment of lights at the mouths of Warroad and Rainy rivers, Lake of the Woods, Minnesota, reported the same without amendment, accompanied by a report (No. 1765); which said bill and report were referred to the House Calendar.

Mr. MCCLEARY, from the Committee on the Library, to which was referred the bill of the House (H. R. 11429) to provide for the investigation of the historical archives and public records of the several States and Territories, and of the United States, with a

view to their preservation by publication, reported the same without amendment, accompanied by a report (No. 1767); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MEYER of Louisiana, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 1708) authorizing the President of the United States to nominate Lieut. Commander R. M. G. Brown, now on the retired list, to be a commander on the retired list, reported the same without amendment, accompanied by a report (No. 1768); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. GROSVENOR, from the Committee on Ways and Means, to which was referred the joint resolution of the House (H. J. Res. 181) to admit free of duty sugar, molasses, and everything entering into the manufacture of sugars from Porto Rico and Cuba, reported the same adversely, accompanied by a report (No. 1766); which said joint resolution and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HOPKINS: A bill (H. R. 11904) to fix the place of venue, trial, and punishment for crimes against the United States of America committed not within a State, as it is provided may be done in Article III, section 2, of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. LEVY: A bill (H. R. 11905) to provide for the purchase of a site and the erection of a building for post office purposes in the city of New York—to the Committee on Public Buildings and Grounds.

By Mr. WM. ALDEN SMITH: A bill (H. R. 11906) to determine the term of service of all soldiers, sailors, and marines serving in the war of the rebellion for a period of ninety days or more—to the Committee on Military Affairs.

By Mr. HENRY C. SMITH: A bill (H. R. 11907) to extend the line of the Metropolitan Railroad Company, and for other purposes—to the Committee on the District of Columbia.

By Mr. BOUTELLE of Maine: A bill (H. R. 11908) donating certain gun carriages to Grand Army organizations—to the Committee on Military Affairs.

By Mr. KING: A bill (H. R. 11909) to amend section 2324 of the Revised Statutes of the United States, relating to mining claims—to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 11910) granting an increase of pension to Thomas H. Roberts—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 11911) granting an increase of pension to Henry C. Jones—to the Committee on Invalid Pensions.

By Mr. MADDOX: A bill (H. R. 11912) for relief of the heirs of Elias Weaver—to the Committee on War Claims.

By Mr. POLK: A bill (H. R. 11913) to remove the charge of desertion from the military record of George W. Ludwig—to the Committee on Military Affairs.

Also, a bill (H. R. 11914) to remove the charge of desertion from the military record of T. M. Brown—to the Committee on Military Affairs.

By Mr. RIXEY: A bill (H. R. 11915) for the relief of the trustees of Mount Horeb Methodist Episcopal Church South, of Fauquier County, Va.—to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 11916) for the relief of the estate of Solomon N. Adams—to the Committee on War Claims.

Also, a bill (H. R. 11917) for the relief of John L. Brown and the estates of A. T. Redditt and William G. Judkins—to the Committee on War Claims.

By Mr. WM. ALDEN SMITH: A bill (H. R. 11918) for the relief of George W. Blakeslee, late of Company I, Twenty-sixth Regiment Michigan Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 11919) for the relief of John Shields, late of Company G, First Regiment New York Volunteer Light Artillery—to the Committee on Military Affairs.

Also, a bill (H. R. 11920) granting a pension to Mary A. Lossing, widow of Samuel H. Lossing, late sergeant, Company C,

Twenty-eighth Regiment Michigan Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 11921) for the relief of Dewitt Eastman—to the Committee on Military Affairs.

By Mr. KING: A bill (H. R. 11922) providing for the payment of \$8,000 to Christian Kener—to the Committee on Claims.

By Mr. MINOR: A bill (H. R. 11923) granting an increase of pension to Ernest A. Klingenberg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11924) granting an increase of pension to Patrick Ryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11925) granting a pension to Henrietta Schulz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11926) granting an increase of pension to James H. Bellinger—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 11927) granting a pension to Elizabeth Dickerson, formerly widow of James Bohler—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DAVEY: Petition of retail druggists of New Orleans, La., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, resolutions of Orleans Parish Medical Society, of New Orleans, La., urging the formation of a national bureau of health—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Petition of the Woman's Christian Temperance Union of Minneapolis, Minn., urging the enactment of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

Also, resolution of the city council of Minneapolis, Minn., urging the passage of the post-office reclassification bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HEDGE: Petition of the Baptist, Methodist, and Congregational churches of Danville, Iowa, for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. KERR: Petition of Pomona Grange of Lorain County, Ohio, in favor of the bill to increase the tax on oleomargarine—to the Committee on Agriculture.

By Mr. KING: Petition of Christian Kener, to accompany House bill for his relief—to the Committee on Claims.

By Mr. LACEY: Petition of Local Union No. 178, of Beacon, Iowa, United Mine Workers, favoring House bills 6882, 5450, and 8917—to the Committee on the Judiciary.

By Mr. LITTLEFIELD: Petition of A. Z. Cates and other druggists of Rumford Falls, Me., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Jay, Me., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. LOVERING: Petitions of Women's Board of Missions and citizens of Halifax, Mass., and Methodist Episcopal Church and citizens of Hull, Mass., asking for the passage of the anti-canteen bill, prohibiting the sale of liquors on premises used for military purposes—to the Committee on Military Affairs.

By Mr. METCALF: Petition of Joe Hooker Post, No. 11, and Lyon Post, No. 8, Department of California and Nevada, Grand Army of the Republic, for the establishment of a Branch Soldiers' Home for disabled soldiers near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of druggists of Oakland, Cal., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. RIXEY: Paper to accompany House bill for the relief of Mount Horeb Methodist Episcopal Church South, of Fauquier County, Va.—to the Committee on War Claims.

By Mr. HENRY C. SMITH: Petition of farmers and dairymen of Lenawee, Mich., in opposition to the manufacture and sale of oleomargarine—to the Committee on Agriculture.

By Mr. SPRAGUE: Petition of the Bristol County Woman's Christian Temperance Union, of Massachusetts, urging the enactment of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

Also, petition of the Epworth League, Young People's Society of Christian Endeavor, and other societies of Franklin, Mass., urging the enactment of a law forbidding the sale of intoxicating liquors in the Hawaiian Islands, Philippines, Porto Rico, and Cuba—to the Committee on the Territories.

By Mr. THAYER: Petition of 24 citizens of Millville, Mass., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. WATERS: Petition for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

SENATE.

MONDAY, May 28, 1900.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

LAWS APPLICABLE TO PORTO RICO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, inclosing a reference from the governor of Porto Rico transmitting a petition from the judicial board of Porto Rico referring to section 8 of public act No. 69, approved April 12, 1900, and urging that such of the Revised Statutes of the United States as apply to that island may be translated into Spanish for the benefit of the people; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

SURPLUS FILES OF THE TREASURY DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, requesting that a sum amounting to \$5,800 be included in the deficiency appropriation bill for the rental of the building near the corner of Fourteenth and B streets NW., Washington, D. C., for the accommodation of the surplus files in the Treasury Department; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

CAPITAL TRACTION AND ANACOSTIA RAILROADS.

Mr. CULLOM. I desire to enter a motion to reconsider the vote by which the bill (H. R. 2826) authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company of the District of Columbia was passed on Saturday. I simply desire this morning to enter the motion and to let it stand until to-morrow. I believe the chairman of the committee does not object.

Mr. McMILLAN. Very well.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 9154) granting authority to Alafia, Manatee and Gulf Coast Railroad Company to build railroad bridges across the Manatee River and Gasparilla Sound and to lay railroad tracks thereon;

A bill (H. R. 10700) to confirm a lease with the Seneca Nation of Indians;

A bill (H. R. 10812) authorizing the Secretary of the Interior to set aside certain described lands in San Juan County, Colo., as a legal subdivision or lot, and authorizing the mayor of Silverton to enter said land for cemetery purposes;

A bill (H. R. 10997) to amend section 4414, Title LII, Revised Statutes of the United States;

A bill (H. R. 11281) permitting building a dam across New River; and

A joint resolution (H. J. Res. 247) to authorize and empower the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) to amend its by-laws.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 207) granting an increase of pension to Margaret E. Van Horn;

A bill (S. 517) granting a pension to Nancy E. Neely;

A bill (S. 557) for the relief of Thomas Rosbrugh;

A bill (S. 1619) granting an increase of pension to Ella Cotton Conrad;

A bill (S. 1781) granting an increase of pension to Julia MacN. Henry;

A bill (S. 2883) to change the characteristic of Cape Cod light, Massachusetts;

A bill (H. R. 2537) to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein;

A bill (H. R. 3267) granting an increase of pension to Jacob W. Moor;

A bill (H. R. 5886) granting a pension to William H. Lane;

A bill (H. R. 7418) granting an increase of pension to George Garrett;